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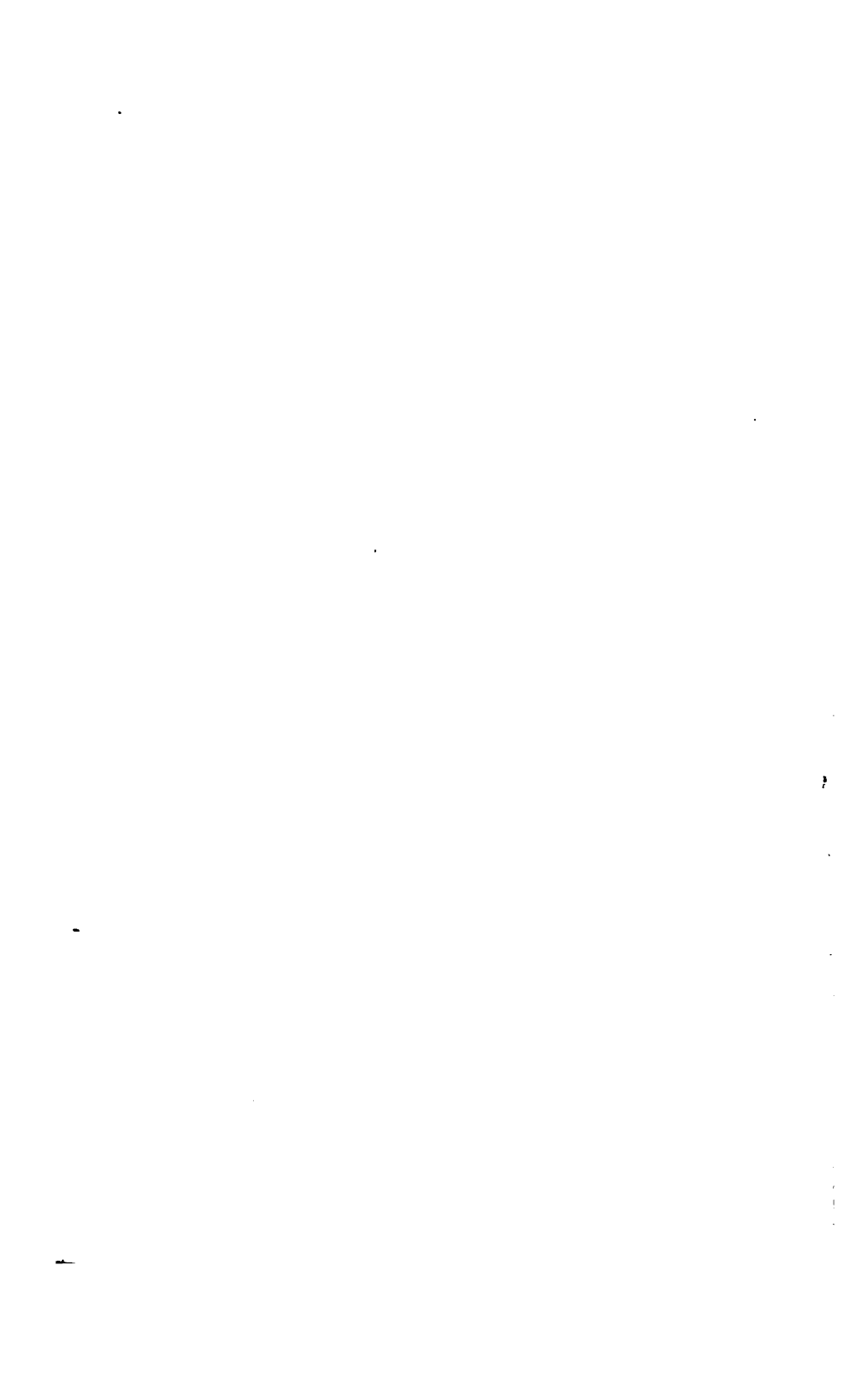
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Kentucky Collection



Dec. 1834

ACTS

PASSED AT THE FIRST SESSION

OF THE

FORTY-THIRD GENERAL ASSEMBLY

FOR THE

COMMONWEALTH OF KENTUCKY,

BEGUN AND HELD IN THE TOWN OF FRANKFORT, ON WEDNESDAY THE THIRTY-FIRST
DAY OF DECEMBER, IN THE YEAR ONE THOUSAND EIGHT HUNDRED AND
THIRTY-FOUR, AND OF THE COMMONWEALTH THE FORTY-THIRD.

JAMES T. MOREHEAD, LIEUT. AND ACTING GOVERNOR.

FRANKFORT:

ALBERT G. HODGES, PUBLIC PRINTER—ST. CLAIR STREET.

1835.

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ACTS
OF THE GENERAL ASSEMBLY OF THE COM-
MONWEALTH OF KENTUCKY.

CHAPTER 560.—AN ACT for the relief of the sheriff of Campbell county.

1835

Whereas, it is represented to the present General Assembly of the Commonwealth of Kentucky, that the sheriff of Campbell county was unable to return a complete delinquent list for the year 1834, at the time prescribed by law, in consequence of not receiving a copy of the commissioners' books, until the 8th day of August last: for remedy whereof,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the said sheriff of Campbell be, and he is hereby allowed, until the next May term of the county court of said county, to complete his delinquent list, for the year 1834.

SEC. 2. *Be it further enacted,* That the county court of said county, at the next May term thereof, shall have full power to receive said delinquent list, for the year 1834, agreeably to the laws of this Commonwealth, in the same manner as if a complete list had been returned by said sheriff, at proper time.

[Approved January 6, 1835.]

CHAP. 561.—AN ACT prescribing the mode of appointing judges and other officers, to hold the election in Livingston county, on the 14th January, 1835.

Whereas, a writ of election has been issued by the House of Representatives, signed by the Speaker thereof, directed to the sheriff of Livingston county, and commanding him to hold an election at the court house, and other places of voting in said county, on the 14th day of January, 1835, for the purpose of electing a suitable person to represent said county, in the lower house of the General Assembly, during the

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present session; and it appearing that there will be no county court in session, prior to the said time of holding said election, so as to have judges and other officers of said election regularly appointed. For remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the sheriff of said county, to select and appoint a suitable number of deputies, judges and clerks of election, to attend at the several places of voting in said county, and notify them of such appointment, prior to the day of holding said election; which officers so appointed, before entering upon the discharge of the duties of their respective stations, shall be qualified in the same manner as if they had been regularly appointed by the county court, as in other cases of elections; and in the case of the failure of any of said officers of elections, to attend any place of voting in said county, it shall be the duty of the other officers attending such place of voting, to select and qualify some other suitable person or persons, to act in his or their stead.

[Approved January 7, 1835.]

CHAP. 562.—AN ACT for the benefit of Jacob Mayo, clerk of the Floyd circuit and county courts.

Whereas, it is represented to the General Assembly of the Commonwealth of Kentucky, that Jacob Mayo, the clerk of the Floyd circuit and county courts, duly executed and forwarded to the proper officer, his official bonds, and that the same have been lost or miscarried by mail. For remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the term of three months, be further allowed him to renew his bonds from the passage of this act.

[Approved January 7, 1835.]

CHAP. 563.—AN ACT for the benefit of the sheriff of Calloway county.

The sheriff of
Calloway al-
lowed one year

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sheriff of Calloway county, shall be allowed the term of one year next

succeeding the first Monday of December, 1834, to settle with the auditor of public accounts, and pay into the treasury the revenue tax due the Commonwealth, from the said county of Calloway, for the year 1834; which settlement and payment by the said sheriff of Calloway county, shall be made agreeably to, and subject, in all respects, to the existing laws in force, in relation to such settlements; and in case of the failure of said sheriff, to make the said settlement, and pay the said revenue tax, or any part thereof due the Commonwealth, from the said county of Calloway, for the year 1834, he shall be subject to the same penalties, to be recovered in the same manner, as he would be subject to upon his failure to pay the revenue tax of said county, or any part thereof, for the year 1835.

SEC. 2. *Be it further enacted*, That the said sheriff of Calloway county shall be allowed, at the January or February term, 1835, of the Calloway county court, to execute the several bonds of his office, for the collection and payment of the revenue tax and county levy, for the year 1835, in the same manner, as if he were to produce to said court a quietus for payment, in full of the revenue tax, due from the said county of Calloway, to the Commonwealth, for the year 1834.

SEC. 3. *Be it further enacted*, That the county court of Calloway shall, at their March or May term, 1835, permit the sheriff of said county, upon his complying with the laws in force in relation thereto, to file his additional delinquent list, for the year 1834, which shall have the same effect as if the said delinquent list had been filed at the regular term prescribed by law: *Provided, however*, that so far as the payment of the revenue tax is concerned, it shall be the duty of said sheriff to forward to the auditor of public accounts, a copy of such delinquent list, certified by the clerk of said court, within one month after the same shall have been allowed by said court: *Provided*, That the present securities of said sheriff shall consent in open court, at the next January or February term of the Calloway county court, to the indulgences given by this act.

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to pay the revenue of 1834.

On failure to pay, how to be recovered.

May execute his bonds of office, &c. at the January or February term.

Further time allowed to return his delinquent lists.

Proviso.

[Approved January 7, 1835.]

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CHAP. 564.—AN ACT to enlarge the constable's district for the town of London, in Laurel county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the constable's district for the town of London, in Laurel county be, and the same is hereby extended and enlarged two miles square, with said town in the centre, so as to include the residence of Jacob Hackney, the present town constable.

[Approved January 7, 1835.]

CHAP. 565.—AN ACT for the benefit of Transylvania University.

Recital.

Whereas, it hath been represented to the present General Assembly, that to connect the grounds belonging to Transylvania University, in the city of Lexington, that so much of Second street as passes between the lot on which Morrison College stands, and the lot on which the present and former buildings of Transylvania University were erected, should be closed and discontinued; and for the purpose that the trustees of said city hath given consent that the same shall be so closed, and that in pursuance of such agreement between the trustees of the University and those of the city of Lexington, the trustees of Transylvania University have erected the Morrison College on their grounds, on the opposite side of said street from their other buildings, and have connected their grounds by closing said street, so far as it runs through them; that doubts are entertained whether the trustees of the city had power to allow said street to be closed, without an act giving the consent of the legislature to the agreement between the trustees or agents of the University and those of the city of Lexington,

The agreement between the corporation of the city and university for closing a street, confirmed.

Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky, That the agreement made as aforesaid, shall be good and valid, and that so much of said street as leads through or divides the grounds of Transylvania University, shall hereafter cease to be a highway in the city of Lexington; and that the trustees of Transylvania University shall, as to so much thereof, have the same power, rights and privileges, as they have by law over the adjacent grounds, belonging to the University.

[Approved January 8, 1835.]

CHAP. 566.—AN ACT to change the place of voting at a precinct in Bracken county.

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Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act, that instead of holding the elections at the precinct in Bracken county, at the house of Andrew McClanahan, called the Snag precinct, as now prescribed by law, that they shall, in future, be held at the house now occupied by William Pepper in said county, under the same provisions and regulations as were enacted in establishing said precinct, at the house of Andrew McClanahan.

[Approved January 8, 1835.]

CHAP. 567.—AN ACT for the benefit of the sheriff of Logan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sheriff of Logan county be allowed further time until the first day of May next, to pay into the treasury the sum of seven hundred and eighty-five dollars, fifty-nine cents, of the revenue of said county, for the year one thousand eight hundred and thirty-four: *Provided, however,* that the securities of the said sheriff shall, at the next January or February term of the county court of said county, consent to the indulgence given to the said sheriff, by this act.

Further time given to pay revenue into the treasury.

Proviso.

[Approved January 9, 1835.]

CHAP. 568.—AN ACT to authorize the appointment of judges and clerks of an election to be held in the counties of Laurel and Rockcastle.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the sheriffs of Laurel and Rockcastle be, and they are hereby authorized and required, to appoint the competent number of judges and clerks, to hold and conduct the election to be held in the counties aforesaid, on Monday, Tuesday and Wednesday, being the 19th, 20th and 21st instant, to elect a representative for said counties, to fill the vacancy occasioned by the resignation of John A. Moore.

The sheriffs of Laurel and Rockcastle to appoint the officers to conduct the election.

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Their duties prescribed, and time designated for comparing the polls.

SEC. 2. *Be it further enacted*, That the sheriffs, judges and clerks of said election, shall be governed in every respect, in the discharge of their duties, by the law now in force regulating elections in this Commonwealth; and the sheriffs shall meet at the court house in Mount Vernon, on Thursday after the election, and compare the polls, and give the proper certificate of election.

The sheriffs to give notice of the election.

SEC. 3. *Be it further enacted*, That the sheriffs aforesaid, shall give five days' notice, at five of the most public places in their respective counties, in writing, of the times and places of holding the election aforesaid.

[Approved January 9, 1835.]

CHAP. 569.—AN ACT for the benefit of the sheriffs of Pulaski and Garrard counties.

Time given the sheriff of Pulaski to pay the revenue for 1834.

Proviso.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the further time until the first day of March next, be given the sheriff of Pulaski county, to pay into the treasury the residue of the revenue, for the county aforesaid, for the year 1834: *Provided*, That the securities of the said sheriff shall, in the county court of said county of Pulaski, at the next county courts, for the months of January or February, in open court, consent to the indulgence given by this act.

Further time allowed sheriff of Garrard to return his delinquent list.

SEC. 2. *Be it further enacted*, That the auditor of public accounts be, and he is hereby required to receive the delinquent list of Garrard county, for the year 1833, and issue a warrant upon the treasury for the account, which shall be paid out of any money in the treasury, not otherwise appropriated.

[Approved January 12, 1835.]

CHAP. 570.—AN ACT to amend the several acts, for opening a road from Taylorsville to Jeffersontown.

Two additional com'rs appointed.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Simeon N. Kalfus, of Jefferson county, and James Stout, Sen. of Spencer county, be, and they are hereby appointed commissioners in addition to those appointed by an act, enti-

uled, "an act providing for opening a road from Taylorsville in Spencer county, to Jeffersontown in Jefferson county, and for other purposes," approved January the thirty-first, eighteen hundred and thirty-three; and an act, entitled "an act to amend the same, approved February the eleventh, eighteen hundred and thirty-four;" and that any three of said commissioners be, and they are hereby empowered to perform all or any of the duties which said commissioners are required to perform by said acts, or either of them.

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Any three of the com'rs may act.

[Approved January 12, 1835.]

CHAP. 571.—AN ACT to amend the charter of the Louisville Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the election of president and managers of said company shall be held on the first Monday in April next, and on the same day in every year thereafter, instead of the first Monday in June, as heretofore; and said election shall be held in the mayor's office, in the city of Louisville; and in case of failure to elect on the day fixed by this act, the corporation shall not be dissolved for that cause, but the president and managers for the time being, shall continue in office until there shall be an election. The president and managers (a majority being present) shall have power to fill vacancies which may occur in their body.

The time of electing president and managers changed.

President and managers may fill vacancies in the board.

[Approved January 12, 1835.]

CHAP. 572.—AN ACT to reduce the number of justices of the peace in Barren county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall not be lawful for the county court of Barren, to nominate for appointment, persons to fill the office of justice of the peace, in case of vacancies occurring by death, resignation, removal or otherwise, until the whole number of justices of the peace in said county shall be reduced to fifteen in number, and that thereafter, the number of justices of the peace in said county shall be fifteen, instead of the number now provided for by law.

[Approved January 12, 1835.]

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CHAP. 573.—AN ACT to extend the bounds of the town of Lebanon, in Marion county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the passage of this act, the bounds of the town of Lebanon, in Marion county, be, and the same are hereby extended, in each direction of said town, a quarter of a mile, and that the trustees have full power and authority to act over such extension of boundary, subject, however, to the general laws now in force, regulating the establishment of towns in this Commonwealth.

SEC. 2. *Be it further enacted*, That the beginning point in the extension of the boundaries of said town of Lebanon, shall be at the court-house.

[Approved January 12, 1835.]

CHAP. 574.—AN ACT to amend the charter of the Fireman's Insurance Company of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the Fireman's Insurance Company of Louisville, and they shall have power and authority to insure any vessel, craft or boat, of any description, from any port or place within the United States, to any other port or place within the same; and to make insurance on goods, wares and merchandize, and every description of property transported by land or water, whether by the high seas, rivers, lakes, canals, rail roads, or otherwise.

[Approved January 12, 1835.]

CHAP. 575.—AN ACT to amend the charter of the Louisville Marine and Fire Insurance Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of the president and directors of the Louisville Marine and Fire Insurance Company, at least once in each year, (or oftener if they deem it necessary) to examine the notes given by the shareholders, in said company for the balance due on account of stock; and should a majority of a board of president and directors be of opinion, that the surety or sureties to any

May insure vessels, &c. any where within the U. S. and merchandize, &c. transported by the high seas or rivers, or by land.

New notes with securities for stock may be required.

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note is not good, they, the said president and directors, shall give notice to such shareholder, that a new note or notes, with additional or other surety or sureties, is required; and should such shareholder fail or refuse to execute a note or notes, with satisfactory surety or sureties for the balance due on his, her, or their stock, for the space of thirty days, it shall be the duty of the said president and directors, and they are hereby authorized to advertise such share or shares of stock for sale in one or more newspapers published in the city of Louisville for the space of thirty days, and sell such share or shares of stock to the highest bidder for cash, for that part of such stock which has been paid in cash or other credits; and for note or notes, for that part which has not been paid in cash, with good surety or sureties; and on the payment of the cash, and the execution of the note or notes, with satisfactory surety or sureties for the residue due on such share or shares of stock, it shall be the duty of the president or secretary of said company to issue to the purchaser a certificate or certificates of stock, in place of those held by the former owner; and, on presentation and surrender of the former certificate or certificates of stock, the president and directors shall pay over to such shareholder the cash for which such share or shares sold, first deducting the cost and charges of such sale.

If stockholders fail to give new notes, the stock may be sold.

Certificates of stock to be given to the purchasers.

SEC. 2. That the president and directors of the said company shall have a lien on the share or shares of each shareholder, for any debt or demands which such shareholder shall or may owe said company. And they, the said president and directors, shall refuse the privilege to any shareholder in said company, to transfer his, her or their share or shares of stock, until all debts and demands the said company have or may have against such shareholder, shall be fully paid; and such lien may be enforced by a written notice to such shareholder, to pay such debts or demands within thirty days; and if the same be not paid, it shall be the duty of the said president and directors, and they are hereby authorized to advertise the sale of such share or shares of stock for the space of thirty days, (and if not paid within the said thirty days;) to sell the same at public auction to the highest bidder, for that part paid in cash or other credits for cash; and for that part not paid in cash, for note or notes, with satisfactory surety or sureties; and on the payment of the purchase money, and the execution of a note or

The company to have a lien on stock of persons indebted to them.

Lien, how enforced.

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notes, the president and directors shall have issued to the purchaser a certificate or certificates of stock; and on the application of the former owner, and the surrender of his, her or their certificate, or certificates of stock, the said president and directors shall deliver to such shareholder, his, her or their stock, note or notes, and him, her or them, credit, (after deducting the cost and charges of such sale) for the residue of the money for which such share, or shares sold, on the debt and demands of the said company against such shareholder; and when such share or shares shall sell for more than the debt and demands (including cost and charges of such sale) of the said company, the president and directors shall pay over the residue, if any, to such shareholder. This section shall not debar the said company from any remedy at law against shareholders, for any debt or demands which said company have, or may have against them.

Stock, how to
be transferred.

SEC. 3. The president and directors of the said company, shall prescribe the form of certificates of shares of stock, and the manner of transferring such certificates; but the transfer shall be made in a book, to be kept for that purpose by said company, at their place of doing business in the city of Louisville, which transfer shall be made in the presence of, and attested by either the president or secretary of said company; and a transfer may be made by such shareholder in person, or by his, her or their agent; the power of attorney to such agent, to be duly proved and certified, and lodged with the president or secretary of the said company.

[Approved January 13, 1835.]

CHAP. 576.—AN ACT to change the location of a part of the State Road leading from the Seat of Government, through Flemingsburg, to the Mouth of Big Sandy.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That, that part of the said road, beginning at the intersection thereof with the Maysville and Lexington turnpike road at Edmund Martin's, in Nicholas county, and running from that point to the far end of said Martin's lane, be, and the same is hereby discontinued.

SEC. 2. *Be it further enacted,* That the said state road shall hereafter be located as follows, to-wit: To

run from the intersection aforesaid along the turnpike, to the intersection of the new road, which has lately been opened by said Martin, and to follow the same on the said Martin's land, and along the line of Joseph Graves and Mrs. Cress, to the point at the far end of said Martin's lane, from which the old location has been discontinued, by the first section of this act.

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[Approved January 13, 1835.]

CHAP. 577.—AN ACT to reduce the number of Justices and Constables in Logan County.

Whereas, it is represented to the present General Assembly, that the number of justices of the peace, for the county of Logan, are more than sufficient to do the public business: wherefore,

Preamble.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the county of Logan shall hereafter be entitled to fifteen justices of the peace, and no more: *Provided, however*, That all those in office shall continue to exercise and enjoy all the rights and privileges of justices of the peace, so long as they continue in office.

Number of justices.

SEC. 2. *Be it further enacted*, That the county court of Logan shall not recommend to the governor any person or persons to fill the office of justice of the peace, for said county, until the number is reduced to fifteen, as aforesaid.

No justices to be appointed till the number is reduced.

SEC. 3. *Be it further enacted*, That the town of Russellville shall hereafter be entitled to two constables, and no more.

Russellville to be entitled to but two constables.

SEC. 4. *Be it further enacted*, That all acts, or parts of acts, coming within the purview of this act, shall be, and the same is hereby repealed.

Repealing clause.

[Approved January 13, 1835.]

CHAP. 578.—AN ACT for the benefit of the Glasgow Academy.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the fines and forfeitures of Barren county, which may have heretofore accrued, and which have not been disposed of by the county court of Barren, and those which may hereafter accrue, shall be paid over, by the several

Fines, &c. accruing in Barren county to be paid over to the academy.

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officers collecting the same, to the trustees of the Glasgow academy.

The books, &c. of Urania college to be delivered to the academy.

SEC. 2. *Be it further enacted*, That the books, charts, &c. which the Urania college is entitled to, now in the office of the secretary of state of this commonwealth, shall be delivered to the trustees of the Glasgow academy.

[Approved January 13, 1835.]

CHAP. 579.—AN ACT to legalize the proceedings, and extend the powers of the Trustees of the Town of Elizabeth, in the County of Hardin.

Recital.

Whereas, it is represented to the present General Assembly, that Andrew Hynes did, at the July term, 1797, of the Hardin county court, by order of said court, establish a town, on thirty acres of his land, in said county, by the name of Elizabeth, and had trustees appointed by said court for said town, but said order omits to state that the legal title to said land was vested in said trustees, and their successors, either appointed by the county court, or elected by the qualified voters thereof, did cause said town to be laid off into convenient lots, streets and alleys, and from time to time, caused said lots to be sold out at the instance, and for the benefit of said Hynes, and deeds have been executed by the trustees to the purchasers of said lots, and doubts are entertained, whether the legal title in said land passed to the trustees, or their purchasers: for remedy whereof,

The town established agreeably to the original plan recorded.

The title to the ground vested in the trustees, to be conveyed by them to the owners of lots.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the said town be, and the same is hereby established, agreeable to the plan recorded in the county court of Hardin, at the July term of said court, in the year 1797, and that the title of said land, for the use and benefit of the holders thereof, be vested in the trustees of said town, and their successors in office; and that they are authorized to execute deeds of conveyance to the lots in said town, to the persons who purchased lots of the former trustees, or to those, who have received the title conveyed by said trustees to the purchasers by regular conveyances.

The trustees thereof vested with power to

SEC. 2. *Be it further enacted*, That the trustees of said town, and their successors in office, shall be, and they are hereby vested with power and authority to

erect, on any part of the public square or streets of said town, any house or building, which they may think proper and convenient, for the use and benefit of said town.

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erect buildings in the public square or the streets.

And may recover damages for any injury done thereto.

SEC. 3. *Be it further enacted*, That for any injury, which may be done by any individual or individuals, to any building erected by authority of this act, the trustees, then in office, shall have a right, in their names, to institute, in the Hardin circuit court, an action of trespass, and recover such damages, as a jury may think has been done to the property; the damages to be applied to the use of the town, in such manner as the trustees may direct.

[Approved January 13, 1835.]

CHAP. 580.—AN ACT to authorize the Clerk of the County Court of Boone to record certain deeds.

Whereas, it is represented to the present General Assembly, that Willis Graves, the former clerk of the Boone county court, departed this life, leaving in said office sundry deeds, powers of attorney and mortgages, which, though duly proved and acknowledged before him, and left in said office for the purpose of being recorded, were not actually committed to record, and doubts existing as to the authority of Isham G. Hamilton, his successor in said office, to record said deeds, powers of attorney and mortgages, and it is deemed expedient to remove said doubts: therefore,

Recital.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That said Hamilton, or other successor, of said Graves, as clerk of said county court, be, and he is hereby authorized and required to record said deeds, powers of attorney and mortgages, in his office, with the same force and effect as if recorded by his said predecessor in office; and for recording said deeds, &c. he shall receive the same fees, which are allowed by law for similar services; and shall have and possess all the power and authority, in relation to the deeds in his office, and taking the proof and acknowledgments of the same, as are given to the clerk of the Logan county court, by an act to authorize the recording deeds, remaining unrecorded in the clerk's office of the Logan county court, at the death of the late clerk, approved January the fourth, eighteen hundred and thirty-three.

The present clerk of Boone authorized to record certain deeds, &c. unrecorded at the death of the late clerk.

His fees thereof.

His powers in relation thereto

[Approved January 16, 1835.]

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CHAP. 581.—AN ACT for the benefit of Constables.

Additional fees
allowed to con-
stables, to be
paid out of the
county levies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county court of each county shall levy an allowance to the constables, or other officers, of said counties, for arresting and carrying before a justice of the peace, slaves, for riots, trespasses, breaches of the peace, and other misdemeanors, of fifty cents for each slave so taken, and the further sum of fifty cents for whipping such slave, pursuant to an order of said justice.

[Approved January 16, 1835.]

CHAP. 582.—AN ACT allowing additional Justices of the Peace and Constables to certain Counties.

Whereas, by an act of the General Assembly, approved February 8th, 1834, the county court of Gallatin was authorized to appoint an additional constable for the town of Warsaw, Gallatin county, at their next April term, and there being no court in that month: therefore,

A justice of
the peace and
constable al-
lowed to Galla-
tin county.

SEC. 1. *Be it enacted by the General Assembly of Commonwealth of Kentucky,* That the county court of Gallatin county, shall, at their next March or May term, proceed to nominate an additional justice of the peace for the county of Gallatin, and an additional constable for the town of Warsaw, in the county of Gallatin.

A constable
to Boone.

SEC. 2. *Be it further enacted,* That there shall be allowed, to the county of Boone, one additional constable, to reside in the neighborhood of East Bend.

[Approved January 16, 1835.]

CHAP. 583.—AN ACT to incorporate the Paducah Dock Company.

Style of the
incorporation.

The amount
of capital stock
and of each
share.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a company shall be, and the same is hereby incorporated, by the name and style of the Paducah Dock Company, with a capital stock of twenty-five thousand dollars, to be divided into shares of fifty dollars each, for the purpose of erecting a floating dock, at or near the town of Paducah, on the Ohio river, at the mouth of Tennessee river, or a marine railway, should said company deem it expedient to construct one; and said company shall

have power and authority to purchase and hold all such real or personal estate, as may be necessary and convenient for the use of a floating dock, or marine railway, and to contract and be contracted with, sue and be sued, plead and be impleaded, and to do and perform, all and singular, the acts and things, that individual owners and proprietors of docks and marine railways may lawfully do and perform in the construction, management and disposition of such property; and the said company may make and use a common seal, and change, alter or renew the same at pleasure; and make by-laws regulating the time and place of electing officers of said company, and the period of their service, the time and place of holding elections, and of filling vacancies, that may arise in the offices, and who shall have power to do so, and the time and place of holding meetings of the stockholders, and generally to regulate the mode and manner of performing all acts, in relation to the management and prudential concerns of said company, and the mode and management of transferring the stock of said company, which is hereby declared personal estate; but none of the rules and regulations shall be contrary to the laws and constitution of this state, or of the United States.

SEC. 2. *Be it further enacted*, That the management of the affairs of said company, and its prudential concerns, shall be under the direction of a president and five managers, any three of whom shall constitute a quorum for the transaction of business, and they may appoint such officers and agents, as may be required for the transaction of the business of the company, as may be agreed on by the board, and they shall cause a particular record of their proceedings to be kept, and registered in a book, to be provided by the board of managers for that purpose.

SEC. 3. *Be it further enacted*, That George Woolfolk, Gustavus A. Flournoy, James B. Husbands, John Hines, A. W. Naylor, Braxton Small and Francis A. Harrison, shall be the first board of managers, who shall meet at any convenient place and time, after the passage of this act, and appoint any two or more of their own body to open books for the subscription of stock, at such time or times as they may direct, in the town of Paducah, and such other place, either in or out of the state of Kentucky, as they may think most likely to accomplish the object contemplated by this

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With power to purchase and hold real and personal estate. Sue and be sued, &c.

May enact by-laws, &c. for the election of officers, filling vacancies, &c.

A board of president and managers to be appointed.

May appoint other officers.

A record of their proceedings to be kept.

A board of managers appointed.

To open books for subscription of stock.

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act, and may, if they think it necessary, advertise, in one or more newspapers, the time and place of opening books, or they may raise the stock by subscription among steam boat owners, or others interested, without advertising, as they may think most conducive to the interest of the company; and may have, and make an agreement as to the time subscribers shall pay for their stock, or they may leave it to the discretionary calls of the president and managers.

A president
to be elected.

May construct
a floating dock
or marine rail-
way, &c.

SEC. 4. *Be it further enacted*, That when the sum of five thousand dollars, or upwards, shall be subscribed, the persons named as aforesaid shall meet and choose one of their own body president, and the corporation shall be considered as organized, and authorized to proceed to the construction of the floating dock or marine railway, and they may thereafter proceed and sell the residue of the stock, or so much thereof as may be required in the construction of the work aforesaid; and when done, annual or semi-annual dividends shall or may be made of the profits, at the discretion of the managers.

[Approved January 17, 1835.]

CHAP. 584.—AN ACT to repeal in part, and amend in part, an act, entitled an act to incorporate a Company to establish a Turnpike Road from the City of Louisville, by the way of the Mouth of Salt River, Elizabethtown; Munfordsville and Bowlinggreen, to the State Line, in a direction to Nashville.

Part of 24th
section of act of
incorporation
repealed.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That so much of the fourth section of an act, entitled "an act to incorporate a company to establish a turnpike road from the city of Louisville, by the mouth of Salt river, Elizabethtown, Munfordsville and Bowlinggreen, to the state line, in a direction to Nashville," as directs the commissioners of said company to give at least sixty days' notice, in a paper printed at Louisville and Bowlinggreen, that the number of shares, required by the act of incorporation, have been taken, and so far as the shareholders are directed by said act to meet at the town of Munfordsville, to elect a president, managers and treasurer of said company, be, and the same is hereby repealed.

The commis-
sioners appoint-
ed by the a-

SEC. 2. *Be it further enacted*, That the commis- sioners, appointed by an act amending in part, and repealing in part said act of incorporation, passed and

approved 22d February, 1834, shall, as soon as practicable after the passage of this act, give thirty days' notice, in one or more of the newspapers published in Louisville, and one in the town of Elizabeth, that there will be a meeting of the stockholders on a day thereon fixed, at the city of Louisville, to elect one president, and ten directors or managers, and a treasurer, for said company, who, when appointed, shall have all the powers set forth in said act of incorporation, and amendatory act.

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amendatory act to advertise the time and place of electing the president and directors.

[Approved January 17, 1835.]

CHAP. 585.—AN ACT to establish a Mechanics' Institute in the City of Louisville.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Marcus Story, Ezekiel Breden, James S. Speed, William Juman and J. S. Thompson, and their associates, be, and they are hereby created a body politic and corporate, by the name, style and title of the "Mechanics' Institute of the City of Louisville," for the purpose of improvement in the mechanical arts and sciences; and they, with their associates and successors, shall so continue, and have perpetual succession, and, by that name, are hereby made capable in law, as natural persons, to sue and be sued, to plead and be impeaded, to contract and be contracted with, to answer and be answered in all courts of law and equity in this commonwealth, and elsewhere; to make, use and have a common seal, and the same to break, alter or amend at pleasure; they may make and ordain such regulations and by-laws, for the government of the institute, as from time to time, they may deem proper, and may change and renew the same at pleasure: *Provided*, They be not in contravention of the constitution and laws of the United States, or of this commonwealth.

Names of the persons incorporated, and style of the corporation.

The usual corporate powers granted, to sue and be sued, &c.

To make by-laws, &c.

SEC. 2. *Be it further enacted*, That the said corporation shall have the right to purchase and hold a suitable lot or lots in the city of Louisville, upon which to erect such buildings as they may want for the furtherance of the above named design, and to erect any buildings thereon, provided, such lot and buildings shall not cost more than seventy thousand dollars; they may hold personal estate, provided, that the income from such estate may not exceed twenty

The corporation authorized to hold real and personal estate.

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May establish
a library and
professorships.
Elect officers,
&c.

May receive
property by gift
or devise.

General meet-
ing of the cor-
porators to be
called.

A board of
managers to be
appointed.

A president to
be appointed.
A treasurer to
be appointed,
and his duty.

The powers of
the corporation
restricted.

thousand dollars per annum; they may establish a circulating library, and such professorship, upon any branch of mechanical knowledge, or of manufactures, as they may deem fit; they may elect such officers and agents, as the necessities or welfare of the institute may require; they may take, by gift or devise, all such property as may be given or devised for the advancement of the objects of the institute.

SEC. 3. *Be it further enacted*, That, within thirty days after the passage of this act, the corporators herein named, or a majority of them, shall call a meeting, in a convenient time and place, in the city of Louisville, and give due notice thereof to the residue, and, at such meeting, may adopt such permanent regulations for the internal government of the institute, as to the majority shall seem proper.

SEC. 4. *Be it further enacted*, That it shall be the duty of the corporators herein named, and their associates, to appoint a board of managers, consisting of five regular members of the institute, whose duty it shall be to take charge of the fiscal concerns of the institute, and a majority of whom shall constitute a quorum to do business.

SEC. 5. *Be it further enacted*, That the president of the institute shall be, *ex officio*, president of the board of managers. It shall be the duty of the board to elect a treasurer, who shall keep a fair and correct account of the state of the treasury of the institute, and report the same whenever required by the institute; but no fiscal measure shall be put in execution, until it is laid before and receives the sanction of a majority of the members of the institute, if required.

SEC. 6. *Be it further enacted*, That said institute shall not have or exercise, under this charter, any power or privilege, not herein expressly granted.

[Approved January 17, 1835.]

CHAP. 586.—AN ACT establishing an election precinct in Russell county, and to change the place of voting in a precinct in Green county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all that part of said county included within the following boundary, viz: beginning where William Hunter, Sen. formerly lived, on Indian creek, thence to the mouth of said creek,

Bounds of the
precinct in the
county of Rus-
sell.

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including all the voters on said creek, thence to William Warriner's, thence to Franklin Pierce's, thence to the mouth of Blackfish, thence to Adam Kearne's, Jr. thence to Peter Rippitoe's, thence to where the road leading from Columbia to Grider's ferry crosses the county line, and thence with the county line to the beginning, be, and the same is hereby established as an election precinct, to be known by the name of the Creelsborough precinct, and that elections shall be held at the house of Pickney W. Dryden, in Creelsborough.

Place of voting therein.

SEC. 2. *Be it further enacted*, That the qualified voters in said precinct, are hereby authorized to meet at all elections and give their votes: *Provided*, That nothing herein contained shall prevent any qualified voter residing within the bounds of said precinct, from voting at his court house, in the same manner he might have done, had not this act passed, but subject to all the penalties heretofore enacted against voting twice at elections.

Voters residing therein may vote at court house.

Proviso.

SEC. 3. *Be it further enacted*, That the county court of Russell shall appoint judges and a clerk to conduct the election in said precinct, and if any of the judges or clerk so appointed shall fail to act, the vacancy shall be filled in the manner prescribed by law.

Officers to be appointed to conduct the elections.

SEC. 4. *Be it further enacted*, That the sheriff of the county aforesaid shall, by himself or deputy, attend the elections in said precinct, and shall conduct the same according to law, and he shall, at the court house of his county, on Saturday next succeeding the close of the election, and there compare the polls according to law.

Votes therein, when & where to be compared

SEC. 5. *Be it further enacted*, That from and after the passage of this act, instead of holding elections at the precinct in Green county, at the house of William Elmore on Brush creek, as now prescribed by law; that they shall, in future, be held at the house now occupied by George Elmore on Brush creek, in said county, under the same provisions and regulations as were enacted in establishing said precinct, at the house of William Elmore.

Place of voting in the precinct in Green county changed.

[Approved January 17, 1835.]

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CHAP. 587.—AN ACT to establish an election precinct in the County of Meade.

Boundary of
the precinct.

Place of hold-
ing elections
therein.

The county
court to appoint
officers to con-
duct the same.

Voters residing
in the precinct
may vote at the
court house.

Votes, when &
where to be
compared.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all that part of Meade county within the following bounds, to-wit: Beginning at the house of John Johnson, on the Ohio river, thence down the Ohio river so far as to include the Horse shoe bend, thence to the house of James Popham, so as to include him, thence with the Levinsworth road to the place of beginning, shall constitute an election precinct in said county, to be called Popham's precinct; and the qualified voters in said district may meet at the house now occupied by James Popham, for the purpose of voting at all legal elections.

SEC. 2. *Be it further enacted,* That the county court of Meade county, at the time they appoint judges for elections, to appoint judges, clerks and sheriffs to attend at said precinct, and execute the duties assigned them under the several laws regulating elections in this commonwealth.

SEC. 3. *Be it further enacted,* That nothing herein contained shall be so construed, as to prevent any qualified voter residing in said precinct, from voting at any other precinct in said county, or at the court house.

SEC. 4. *Be it further enacted,* That it shall be lawful and the duty of the sheriff of Meade county, to attend by himself or deputies at all elections, by law, and in comparing the polls, shall be governed by the laws regulating election precincts in said county.

[Approved January 17, 1835.]

CHAP. 588.—AN ACT to authorize the insertion of Advertisements in the Kentucky Whig and Fleming Advertiser, and the Baptist Banner and Journal of Health.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Kentucky Whig and Fleming Advertiser, a newspaper printed in Flemingsburg, Fleming county, and the Baptist Banner and Journal of Health, a newspaper printed in Shelbyville, Shelby county, shall be, and are hereby authorized to publish all advertisements which are authorized or required by law, except such as are required by law to be published in the paper of the

public printer exclusively; and all publications and advertisements made in said papers, shall be as good and valid as if made in any other authorized newspaper of this state; and it shall be lawful for the printers of said papers to make such certificates and charge such fees, as are authorized to be made and charged in other authorized newspapers in this Commonwealth.

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[Approved January 17, 1835.]

CHAP. 589.—AN ACT for the benefit of William Babcock.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the name of William Babcock of Harrison county, be, and the same is hereby changed to the name of William Henry Austin, and by that name he shall be hereafter called, styled and known.

[Approved January 17, 1835.]

CHAP. 590.—AN ACT for the benefit of the Surveyor of Harrison county.

Whereas, it is represented to the present General Assembly, that the surveyor of Harrison county has failed to renew his official bond as required by law; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That said surveyor be permitted to execute an official bond in the county court of said county, with two or more sufficient securities to be approved of by said court, with the like penalty and condition as is now required by law—which bond shall be made payable to the Commonwealth of Kentucky, and may be executed either at the next February or March term of the county court of said county, and shall be as valid to all intents and purposes, and shall have the same effect, as if the same had been executed at the time and in the manner heretofore required by law.

[Approved January 17, 1835.]

Further time allowed him to renew his official bond.

CHAP. 591.—AN ACT to change the place of voting in certain precincts in certain counties.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the place of voting

The place of voting in the Tracey precinct

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in Barren county, changed.

In a precinct in Morgan co. changed.

In the Crab Orchard precinct in Lincoln co, changed.

in the Tracey precinct in Barren county, be changed from the house of Elizabeth Tracey, to the house now occupied by Dudley Payne.

SEC. 2. *Be it further enacted*, That the place of holding the precinct election on the north fork of Licking, in Morgan county, be changed from Jacob Alington's, to the house of John Utterback.

SEC. 3. *Be it further enacted*, That the place of holding elections in the town of Crab Orchard precinct, in Lincoln county, shall, and the same is hereby changed from the house of F. Frederici, to the house of A. Shanks, known by the name of the Red house in said town.

[Approved January 17, 1835.]

CHAP. 592.—AN ACT for the benefit of the Sheriff of Casey county.

Preamble.

Whereas, the sheriff of Casey county having failed to deliver his list of delinquents to the court of assessment, held for the seventy-fourth regiment of Kentucky Militia, in November last, as the law directs; and the paymaster of said regiment refuses to give the said sheriff a credit for the said list of delinquents; therefore,

Further time given to collect and pay militia fines and return delinquent list.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sheriff of Casey county be allowed the further time of three months to collect and pay over the fines of said regiment, assessed in the year one thousand eight hundred and thirty-three; and also, to return the said paymaster a list of said delinquents, which list the said paymaster is to receive and to suspend the collection thereof until the next annual meeting of the court of assessment of the said regiment; and the said court is to receive the same, in the same manner as if it had been returned at the proper time, and allow the said sheriff a credit for the amount thereof: *Provided*, That the sheriff aforesaid enters into bond with approved security, in the county court of Casey, for the faithful collection of the fines of said seventy-fourth regiment, at the next January or February county courts, and paying the same as is provided for in the preceding section.

[Approved January 17, 1835.]

CHAP. 593.—AN ACT to repeal an act, entitled an act repealing the law authorizing the people of Rockcastle, Knox, Harlan and Laurel counties, to pass the turnpike and Wilderness road, without paying toll, approved February 24, 1834.

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Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act, the above recited act shall be, and the same is hereby repealed; and the former laws repealed by said act be, and the same are hereby revived, and continued in force, any law to the contrary notwithstanding.

[Approved January 17, 1835.]

CHAP. 594.—AN ACT for the benefit of Benjamin Webb.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That there be allowed and paid to Benjamin Webb out of the public treasury, the sum of fifty-five dollars and twenty-five cents, for his expenses and services in conveying William Reed, a fugitive from justice, from the state of Tennessee.

Allowance for apprehending a fugitive from justice.

[Approved January 17, 1835.]

CHAP. 595.—AN ACT to legalize the proceedings of the court of assessment, of the sixteenth Regiment of Kentucky Militia.

Whereas, it is represented to the present General Assembly, that the officers of the sixteenth Regiment of Kentucky Militia, were unapprized of the change in the time appointed for holding their court of assessment, in the year 1834, and held the same on the last Monday in November, instead of the first Monday in November, as provided by law.

Be it therefore enacted, That the proceedings of the said court of assessment, and the fines by said court assessed upon delinquents on the said last Monday in November, shall be as valid to all purposes, and shall be enforced in the same manner as if said court had been held, and said proceedings had on the first Monday in November.

[Approved January 17, 1835.]

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CHAP. 596.—AN ACT to establish an election precinct at Keasburg, in the county of Logan.

Boundary of
the precinct.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all that part of Logan county included in the following boundaries, shall constitute an election precinct to be called and known as the Keasburg precinct, to-wit: Beginning at the mouth of Big Whipperwill creek, thence up said creek to Robert J. Terry's mill, from said mill in a direct line to John Hogans, thence in a direct line to where the Todd county line crosses the Clarksville road, thence with the Todd county line to the Tennessee State line, thence on said line to Red river, up said river to the beginning, at the mouth of Whipperwill creek. The election to be held at the house now occupied by William F. Fall, where it shall be lawful for all qualified voters residing in said precinct, to vote.

The elections,
where to be
held.

County court
to appoint officers
to conduct
elections there-
in, &c:

SEC. 2. *Be it further enacted,* That it shall be the duty of the county court of Logan, to appoint judges and a clerk to attend the elections in said precinct, at the same time that judges and clerks are appointed for other places of voting in the county, who, when appointed, shall be governed by the laws now in force regulating elections, subject to the same penalties, and entitled to the same emoluments—and the sheriff of Logan, or a deputy shall also attend the elections in said precinct.

Penalty for
voting more
than once at
any election.

SEC. 3. *Be it further enacted,* That any persons in said precinct voting a second time at the same election, at any other precinct, or at the court house, shall be subject to all the penalties now imposed by law, for voting a second time at the same election.

[Approved January 17, 1835.]

CHAP. 597.—AN ACT, to repeal in part, and amend in part, the several acts establishing a road from Louisville to the State line, in a direction to Knoxville.

The recited
acts repealed.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the above recited acts be, and they are hereby repealed, and that the road as surveyed by the commissioners, under said acts, shall not be established by the respective county courts, of the counties through which the same was surveyed.

SEC. 2. *Be it further enacted*, That the small appropriation made at the session 1833, for said road, shall be applied upon the road as it now runs, and at the same points and in the manner prescribed by the act making the appropriation, except that portion of said appropriation which is allowed to the county of Russell, which sum may be applied to that part of the road from the Adair county line to the Wayne county line, that most needs improvement.

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The appropriation made by the act of 1833 to be applied upon the present road.

[Approved January 20, 1835.]

CHAP. 598.—AN ACT to establish, in part, the line run between the counties of Barren and Hart.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the line originally run between the counties of Barren and Hart, be established, except so much of it as includes the dwelling house of Robert Ferguson, in the county of Hart.

SEC. 2. *Be it further enacted*, That the dwelling house of Robert Ferguson be, and the same is hereby declared to be in the county of Barren.

[Approved January 20, 1835.]

CHAP. 599.—AN ACT to authorize the County Court of Clarke, to increase the pay to Patrollers of said County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county court of Clarke, in lieu of the compensation now allowed by law to patrollers, shall be, and are hereby authorized, if they deem expedient, to allow to the captain of any patrol, a sum not exceeding one dollar and fifty cents; and to any assistant, a sum not exceeding one dollar, for every twelve hours they shall patrol, under the order of said court, to be paid out of the county levy as heretofore.

[Approved January 20, 1835.]

CHAP. 600.—AN ACT for the benefit of Polly Delong.

Whereas, it is represented to the General Assembly of the Commonwealth of Kentucky, That

Recital.

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Polly Delong, wife of George Delong, of Lawrence county, is, and has been, for many years past, a confirmed lunatic, and the said George being in indigent circumstances and unable to provide for her maintenance and support, and being desirous of keeping his said wife Polly under his own immediate care and protection; wherefore,

An annual allowance made for the support of Polly Delong, a lunatic.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the sum of fifty dollars per annum be allowed out of any money in the public treasury of this Commonwealth, not otherwise appropriated, for the maintenance and support of said Polly Delong, so long as she shall live and continue a lunatic; and the auditor of public accounts is hereby authorized and directed to draw his warrant upon the treasurer for the same, in favor of the committee of Polly Delong: *Provided*, That a certificate of the clerk of the circuit court of Floyd, shall first be produced to him, certifying that satisfactory proof had been given before said court, that said Polly Delong was still living and continued a lunatic.

Proviso.

A writ of *idiotia inquirendo* to issue, &c.

SEC. 2. *Be it further enacted*, That said circuit court of Floyd shall, on application, cause the same writ to issue, and the same proceedings to be had thereon, to ascertain the state of mind of said Polly Delong, that are now used according to law, in respect to lunatics and idiots; and if, on the return of the inquest, the said Polly Delong is found a lunatic, said court shall appoint her a committee, and order such certificate as is provided for in the first section of this act; and in each year thereafter, the said court, on proof before it, that said Polly Delong is living and continues to be a lunatic, shall order a certificate according to the first section.

A committee to be appointed to take charge of her.

[Approved January 20, 1835.]

CHAP. 601.—AN ACT for the benefit of the Headright Settlers of this Commonwealth.

Further time given to secure their lands.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the further time of six months, after the passage of this act, shall be given to the claimants and actual settlers of the headright lands, to secure their titles as provided for in the act to repeal the law now in existence, in relation to the

headright settlers, and to dispose of the balance of the debt due from this class of debtors to the purposes of internal improvements, approved January the thirty-first, eighteen hundred and thirty-three; and an act to amend an act, concerning headright certificates, approved February the seventh, eighteen hundred and thirty-four.

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[Approved January 20, 1835.]

CHAP. 602.—AN ACT to amend the Charter of the City of Lexington.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the charter of the city of Lexington, be, and the same is hereby so amended as to authorize the mayor and council thereof to raise any amount of money not exceeding sixty thousand dollars by sale of city scrip, bearing an interest not to exceed six per cent per annum, payable semi-annually, from and after the day of sale, at such place as may be agreed on.

The mayor and council authorized to obtain loans of money to the amount of sixty thousand dollars, on the scrip of the city

SEC. 2. *Be it further enacted*, That it be made the duty of said mayor and council to provide a fund, immediately upon a sale of any portion of said scrip, for the payment of the interest upon it semi-annually as aforesaid, and for the redemption of the whole amount of scrip sold, at farthest, within thirty years next after the sale thereof.

To provide a fund for payment of principal and interest within 30 years

SEC. 3. *Be it further enacted*, That no scrip shall be issued under and by virtue of this statute, unless the issuing of the same, together with the amount thereof, be by a vote in council, previously agreed on and determined, and when it so issues, it shall be in substance, as followeth, to-wit:

No scrip to be issued but in pursuance of a vote of the council.

STATE OF KENTUCKY.

The city of Lexington, for value this day received of A B, binds itself to pay to said A B, his executors, administrators, or assigns, the just and full sum of ——— dollars. The payment of the said sum of money is to be made in the following manner, to-wit:—Interest at the rate of ——— per cent per annum, is to be paid upon the above amount semi-annually, from and after this day, until the ——— day of ———, at which time one equal ——— part of the principal sum above mentioned, is to be paid in addition to the interest

Form thereof.

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aforesaid—interest at the rate aforesaid is then to be paid as aforesaid upon the remainder, until the — day of —, when one other equal — part of the principal sum above mentioned, is to be paid in addition to the interest aforesaid, and so on, until the whole amount shall be paid according to the agreement. In testimony whereof, I, C. D. Mayor of the city of Lexington, have hereunto subscribed my name as mayor, and have caused the seal of said city to be annexed, this — day of —, 18—.

[SEAL.] C. D. Mayor of the city of Lexington.

Suits may be instituted thereon, on a failure to pay.

SEC. 4. *Be it further enacted*, That said scrip, so issued as aforesaid, shall be evidence of a debt due by and existing against said city, upon which suit may be brought and judgment recovered by the owner thereof, against the said city, by action of debt or petition and summons, in the Fayette circuit court, at any time after a failure of said mayor and council to pay the same or any part thereof, when due and unpaid.

Service of process on the mayor sufficient to authorize a judgment.

SEC. 5. *Be it further enacted*, That in suing upon the scrip aforesaid, a service of a summons upon the mayor of said city, for the time being, notifying him of the nature of such suit, shall be a sufficient service of process in said suit, and shall authorize the court aforesaid, to give a judgment thereon against said city, for the amount then appearing, after a trial, to be due by it as aforesaid, upon which execution may issue, as against private individuals.

The mayor and council authorized to appoint an agent to sell the scrip.

SEC. 6. *Be it further enacted*, That the said mayor and council have power, and power is hereby given them, to appoint an agent or agents, to make sale of the scrip aforesaid, or any part thereof, upon such terms and in such manner, not inconsistent with the provisions of this statute, as may be determined on by a vote of the board in council.

Certificate of such agency, how authenticated.

SEC. 7. *Be it further enacted*, That a copy from the records of said city council, attested by the mayor and certified by the clerk thereof, with the seal of said city annexed, shall be evidence of the appointment of any one as agent as aforesaid, and of the powers given him to sell said scrip.

The money thus raised, how to be appropriated by the city

SEC. 8. *Be it further enacted*, That the said mayor and council shall appropriate the money that may be raised as above in the following, and in no other manner whatever: First, twenty-five thousand dollars thereof to the payment of debts then due by and existing

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against said city, if said debts do then amount to that much: Second, twenty-five thousand dollars to the improvement of the city property within the limits of the city, by erecting upon the lot, fronting on Main street, and running back to Water street, large and permanent business houses, then by making such other improvements on the city property, as the money aforesaid and the wants and circumstances of the city may justify: Third, the remainder of the sum raised as aforesaid, shall be appropriated to the improvement of streets to the city limits, connecting with turnpikes leading to said city, by the subscription of stock in such of them as may by law be authorized to be turnpiked by incorporated companies.

SEC. 9. *Be it further enacted*, That it is and shall be the duty of said mayor and council, to set aside and appropriate the rents of all the city property, including the houses that may be erected as aforesaid, and which may accrue after a sale of said scrip or any part thereof, together with the dividends that may, at the time of such sale, or at any time thereafter, be due or coming to said city upon any stock it may then, or at any time thereafter own, or so much thereof as may be necessary as a fund for the payment, semi-annually, of the interest aforesaid, and for the redemption according to agreement, and within the thirty years aforesaid, of the scrip that may be sold as aforesaid; and in addition thereto, and in aid of the purpose aforesaid, the said mayor and council, shall, if necessary, levy a special tax upon the tithables and taxable property in said city, to be called the *scrip tax*, to an amount sufficient, in addition to the above rents and dividends, to pay off the semi-annual instalments of interest, and to redeem and pay off, from time to time, the scrip according to agreement; which fund shall be appropriated to no other purpose than to the purposes aforesaid, so long as any part of scrip or the interest thereon may be unredeemed or unpaid; and when said scrip is paid, and the interest thereon wholly paid off, the tax aforesaid shall cease, and the revenue arising from the rents and dividends aforesaid shall go into the city treasury and constitute a fund for the payment of the city expenses and debts generally. If, however, the said city council shall, before a sale of said scrip, sell the city property, fronting as aforesaid on Main street, that then the said city council shall have authority to raise, in manner aforesaid, and subject to the provis-

Certain funds to be set apart by the mayor and council for the redemption of scrip, and a payment of the interest.

An additional tax, if necessary, to be collected in aid thereof.

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How any new streets or alleys may be condemned and opened.

ions aforesaid, not more than the sum of thirty-five thousand dollars.

SEC. 10. *Be it further enacted*, That the tenth section of the charter of the city of Lexington, be, and the same is hereby so amended, as to authorize the mayor and council of said city, when they shall deem it proper to have any new street or alley opened, or any of the streets or alleys of said city extended to the city limits, to petition the judge of the Fayette circuit court, stating therein the street or alley they wish opened or extended, and the names of the owners, if known, of the lots and lands through which they desire to have such street or alley opened or extended, and the width thereof, to call and hold a special court, in the court house in the city of Lexington, for the purpose of acting on said petition. And thereupon it shall be the duty of said judge to call and hold a court, at the court house aforesaid, and for the purpose aforesaid, at some reasonable time after the presentation of said petition—and shall adjourn from time to time, if necessary, until the said petition be fully disposed of.

Proceedings therein.

SEC. 11. *Be it further enacted*, That the said special court, when called and sitting as aforesaid, shall have the same power over said petition, and the matters therein contained, that it has or could have at any one of the regular terms of said circuit court; and in all other respects the proceedings on said petition, as well as the rights and duties of the parties thereto, shall be the same as at a regular term of said court.

And whereas, doubts are entertained, whether the city of Lexington hath a right to a judgment for cost, against any person for a breach of any of the city ordinances; to remove which,

Judgment for costs to be given in all cases where judgments are obtained in favor of the city.

SEC. 12. *Be it further enacted*, That the charter of said city be so construed as to give said city the same right to a judgment for cost, that it now hath by the charter, to a judgment for a fine or forfeiture for any breach of any of the ordinances of said city—which judgment for cost, when rendered, shall be collected in the same way, and in all respects be subject to the same rules with the judgment for the fine itself.

[Approved January 22, 1835.]

CHAP. 603.—AN ACT to provide for the payment of Attorneys prosecuting pleas of the Commonwealth, in certain cases.

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Be it enacted by the General Assembly of the Commonwealth of Kentucky, That when there shall be no commonwealth's attorney, or the commonwealth's attorney shall fail to attend any circuit court, it shall be the duty of the presiding judge to appoint some competent attorney of the court, to prosecute the pleas of the commonwealth for the term, and to cause the clerk to certify the appointment, and the cause thereof, and that the attorney, so appointed, discharged the duty of prosecuting attorney for the term; also, to certify the number of juridical days of the term, and the number in the district for the year; and on the presentation of the certificate to the auditor of public accounts, he shall draw his warrant on the treasurer for such proportion of the salary allowed by law to a commonwealth's attorney, as the number of juridical days of the term, bears to the whole number of juridical days in the district for the year; and when the presiding judge of any circuit court may heretofore have appointed any attorney, to prosecute the pleas of the commonwealth, because of the absence of the attorney, or because there was none, it shall be the duty of the presiding judge of the circuit, to cause such a certificate, as aforesaid, to be made out, and on the presentation of the same to the auditor, he shall draw his warrant for a like proportional sum of the salary allowed a commonwealth's attorney, as the number of the juridical days of the term bears to the whole number of juridical days in the district for the year. The attorneys, who have so prosecuted, or who may hereafter so prosecute, under the appointment of the court, shall be entitled to the taxed fees, and other perquisites, allowed to prosecuting attorneys.

The circuit judges authorized to appoint a prosecuting attorney in their circuits, when the attorney for commonwealth fails to attend, or the office is vacant.

How to be paid for his services.

And for services heretofore rendered and not paid for.

[Approved January 24, 1835.]

CHAP. 604.—AN ACT giving further time to Clerks to renew their Official Bonds.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for each and every circuit and county court clerk in this commonwealth, who may have failed to execute, renew and forward their bonds to the auditor of public accounts, by the time, and in the manner, prescribed by

Time until the 20th Aug. next given to clerks to renew and forward their official bonds.

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the act, requiring clerks to renew their official bonds, &c. approved February 22d, 1834, to comply with the provisions thereof, at any time prior to the twentieth of August, eighteen hundred and thirty-five; and each circuit and county court clerk, who shall so comply, by the time aforesaid, shall be exonerated and discharged from the penalty of five hundred dollars, imposed by said act, on a failure to comply with the same.

[Approved January 24, 1835.]

CHAP. 605.—AN ACT to incorporate the Covington Fire Insurance Company.

A company incorporated, and style thereof.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That William Hopkins, Cary Clemons, John B. Casey, Samuel Stewart, Hanson Drew, Milton Lamb, M. M. Benton, William Elliott, George B. Marshall, Lewis Roach, and the subscribers to the stock of the association, and their successors, shall be, and are hereby declared to be a body politic and corporate, by the name and style of the "Covington Fire Insurance Company," and by that name, shall have perpetual succession, and be capable in law of suing and being sued, plead and be impleaded, answer and be answered, defend and be defended, in courts of law or equity, and elsewhere, with full power and authority to acquire, hold, possess, use, occupy and enjoy, and the same to sell, convey and dispose of all such real and personal estate, which shall be necessary and convenient for the transaction of its business, or which may be conveyed to said company, for the security, or in payment of any debt, which may become due, and owing to the same, or in satisfaction of any judgment of a court of law, or any order or decree of a court of equity in their favour; and to make and use a common seal, and the same to alter or renew at pleasure, and generally to do and perform all things relative to the objects of this institution, which now is, or shall be lawful for any individual, or body politic, or corporate, to do.

Power granted to sue and be sued.

Power granted to purchase, hold, acquire, sell and convey real or personal estate.

Or to receive it in payment of judgments and decrees.

Capital of the company.

SEC. 2. *Be it further enacted*, That the capital stock of this company shall be one hundred thousand dollars, (which may be increased by the stockholders to an amount not exceeding two hundred and fifty thousand dollars,) divided into ten thousand shares of

twenty-five dollars each. At the time of subscribing, or before the election of directors, there shall be paid, on each share subscribed for, five dollars; at the expiration of ninety days after the election of directors, there shall be paid five dollars more on each share; at the end of six months after the election, there shall be paid five dollars more per share; at the end of nine months, there shall be paid the further sum of five dollars per share; and at the end of twelve months after the first election of directors, the remaining five dollars on each share shall be paid; and within thirty days after the payment of the first instalment, each stockholder shall execute his several promissory notes, with such security as the president and directors, for the time being, shall approve, for the payment of the residue of his stock subscribed for, as the instalments shall respectively fall due; the said securities shall be renewed whenever the directors may think proper, and any stockholder neglecting or refusing to renew his security, when required by the directors, or neglecting or refusing to pay any instalment, when the same shall fall due, shall forfeit all his interest in this company, and in the stock of the same, and shall be held liable for his proportion of any loss, which may have accrued previous to such neglect or refusal.

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Amount to be paid, and when

May give security for payment.

Failure to pay amount called to be a forfeiture of stock.

SEC. 3. *Be it further enacted*, That should any forfeiture occur, it may be remitted by a majority of the board of directors, present at the meeting at which such motion for remission shall be made, upon the payment, by the person incurring such forfeiture, of the principal of said instalment, and interest thereon, up to the time of payment, after the rate of ten per cent per annum; as also, of his proportion of such loss, as may have accrued previous to such forfeiture.

Forfeiture may be remitted by majority of directors upon a payment of instalments and interest.

SEC. 4. *Be it further enacted*; That so soon as five hundred shares shall be subscribed for, the first instalment paid, and the residue of the stock paid, or secured to be paid as aforesaid, the company shall be competent to transact all kinds of business, for which it was established.

When 500 shares are subscribed & paid for, company may transact business.

SEC. 5. *Be it further enacted*, That the present Fire Company, No. 1, in the city of Covington, shall be, and are hereby authorized to subscribe, for the use of said company, any number of shares not exceeding one hundred, that a majority of the members may direct; that each member thereof may subscribe for, and hold, in his individual right, any number of shares

Fire company No. 1, may subscribe for stock.

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Other persons
also may sub-
scribe.

Books to be
opened first of
May.

Stock not sub-
scribed for at
first opening of
books to be o-
pened again.

Transfer of
stock may be
made.

President and
directors to ma-
nage the com-
pany.

No director of
any other com-
pany to be di-
rector of this,
and vice versa.

he may think proper, and all other persons, not members of the Fire Company aforesaid, may also subscribe, under the same restrictions and privileges of members; and books shall be opened for subscription for stock for the same, on the first day of May next, under the supervision and under the charge of the persons named in the first section of this act, and they shall deliver the books and money over to the first board of directors, so soon as they shall be elected, and they shall also superintend the election of the same: *Provided*, That nothing in this section shall exempt any stockholder, other than members of the Fire Company, from any public services, or impose any penalty for failing to attend any meeting of the firemen.

SEC. 6. *Be it further enacted*, That should the ten thousand shares not be subscribed for, at the first opening of the books, the directors shall have power to reopen them whenever they may think proper, requiring such payments as will place them on the same footing as the first subscribers, but not exacting any advance on the stock, giving notice by advertisement in said city, at least ten days previous to opening the same; and if more than the whole number of shares shall have been subscribed for, there shall be deducted the amount of such excess, in such manner, that the number of shares held by one stockholder, shall not be reduced below the number that another stockholder is allowed to retain.

SEC. 7. *Be it further enacted*, That transfers of stock may be made by any stockholder, or his legal representative, to any person or persons, or bodies politic or corporate, under such regulation and restriction as the board of directors may, from time to time, establish.

SEC. 8. *Be it further enacted*, That the affairs of this company shall be managed by a president and eight directors, to be elected by ballot, all of whom shall be stockholders; five directors present shall form a quorum for the transaction of business.

SEC. 9. *Be it further enacted*, That no director of any other insurance company, shall be allowed to be a director of this; and should any director of this company be elected a director of any other insurance company, his acceptance thereof shall disqualify him from continuing a director of this company, and the remaining directors shall appoint a director to fill his vacancy.

SEC. 10. *Be it further enacted,* That the subscribers, composing this association, shall hold a meeting for the first election of directors, within two weeks after the aforesaid amount of five hundred shares of stock, shall have been subscribed for, and on the first Monday in January, in each year thereafter, and elect by ballot, from among the stockholders, nine directors; each stockholder shall have one vote for each share, to the number of five; six votes for seven shares; seven votes for ten shares; and one vote for every five shares over ten, and under fifty; and one vote for every ten shares over fifty, and under one hundred; but no person shall, in any one instance, have more than twenty votes. The directors first chosen shall serve until the first Monday in January, 1836, and until their successors are elected, and no longer: at their first meeting after the election, they shall organize themselves into a board, for transaction of business, by selecting one of their own body president; and in case of the death, resignation, removal, or disqualification of the president, the directors shall fill the vacancy out of their own body; and in case of a vacancy occurring in the directory, they shall appoint a stockholder, or stockholders, to fill the vacancy.

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Subscribers to meet and elect officers, and on the first Monday in January in each year thereafter.

Number of votes to each share.

Directors to organize themselves.

Vacancies to be filled by the board.

SEC. 11. *Be it further enacted,* That the president and directors shall have power and authority to appoint a secretary and assistants, and such other officers under them, (all of whom must be stockholders,) as shall be necessary for the transacting of the business of said institution, and may allow such salaries to them as they may deem equitable; to ordain and establish such by-laws, ordinances and regulations, as shall appear to them necessary, for regulating and conducting the concerns of said institution, not being contrary or inconsistent with this act, the constitution and laws of this state, or the constitution and laws of the United States: they shall keep full, fair and correct entries of their transactions, which shall be, at all times, open to the inspection of the stockholders.

President and directors to elect officers and make by-laws, &c.

SEC. 12. *Be it further enacted,* That the corporation, herein and hereby created, shall have full power, and lawful authority, to insure all kinds of property, against loss or damage by fire; and said company may make all kinds of insurance on vessels, crafts or boats, of any description, on the interior rivers, lakes, bayous or canals, in the United States, as well as on goods, wares and merchandize, produce, and every descrip-

The association may insure against fire and all vessels, goods, whether by land or water.

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tion of property, transported by land or water in the United States; and to make all kinds of insurance upon life or lives, to cause themselves to be insured against any loss or risk, they may have incurred in the course of their business; and generally to do and perform all other necessary things and matters, connected with, and proper to promote these objects.

Company may vest their funds in any chartered bank of this or U. States, sell or transfer the same, or loan it.

Sec. 13. *Be it further enacted,* That it shall be lawful for said company, to invest any part of their capital stock, monies, funds, or other property, in any public stock, or funded debt, created, or to be created, by or under any law or laws of the United States, or of this or any other particular state, or in the stock of any chartered bank of this state, or of the United States, and the same to sell and transfer at pleasure; and again to invest the same, or any part thereof, in such stocks or funds, whenever, and so often as the exigencies of said corporation, or a due regard to the safety of its funds may require; or they may loan the same, or any part thereof, to individuals, or public corporations, on real or personal security, for such periods of time, under such restrictions and limitations, as the directors, for the time being, shall deem prudent and best, for the interest of the institution: *Provided,* That it shall not be lawful for said corporation to use or employ any part of their capital stock, money, or other funds, in buying or selling goods, wares or merchandize, nor in the trade or business of exchange brokers; nor shall said company issue or emit any bills of credit, as a circulating medium of trade or exchange, nor in any manner engage in the business or operations of banking, otherwise, than in the purchase and sale of bank stock, as aforesaid; nor make any contracts in writing, except under the seal of said corporation, for the payment of money, other than such as may be contained in their policies of insurance.

Proviso.

Shall not deal in merchandize or exchange, nor issue bills of credit.

Dividends to be declared on certain conditions.

Sec. 14. *Be it further enacted,* That the president and directors shall have power, and it shall be their duty to make and declare such dividends of the profits, resulting from the business of said company, as shall not impair, nor in any way lessen the capital stock of the same, and cause the same to be paid to the several stockholders: *Provided,* That no such dividend shall be paid to any stockholder, so long as there shall remain a residue of his stock unpaid, but shall pass to his credit as so much paid in of stock; to such as have paid in their entire amount of stock, the dividends

shall be paid to them, proportionate to their amount of stock, at such times as the board of directors may declare.

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SEC. 15. *Be it further enacted*, That every house insured by this company, that shall be destroyed by means of fire from the first floor upwards, shall be deemed as demolished, and it shall be lawful for the directors, in such case, to order the money insured thereon to be paid in sixty days, after notice given of the loss as aforesaid.

House but partially destroyed to be paid for.

SEC. 16. *Be it further enacted*, That in case of a partial destruction by fire, the loss shall be determined by assessors, appointed as follows: the persons, whose property is insured, shall have the privilege of choosing two disinterested persons, the board of directors of this corporation shall select two others; should these four persons disagree in the valuation of the loss, they shall select another disinterested person, and his award shall be final.

Persons to be selected to ascertain the loss.

SEC. 17. *Be it further enacted*, That no stockholder or member of this company, shall be answerable in his person, or individual property, for any contract, or any agreement of said company, or for any losses, deficiencies or failures of the capital stock of said company, but the whole of the stock, together with all property, rights and credits, belonging thereto, and nothing more, shall at any time be answerable for the demands against the company.

No stockholder or member to be liable in his individual capacity for the defalcation of the board.

SEC. 18. *Be it further enacted*, That the stock of this institution may be assigned and transferred, on the books of the company, in person, or by power of attorney only, but no stockholder, indebted to the company, shall be permitted to make a transfer, until such debt is paid, or secured to be paid, to the satisfaction of the president and board of directors.

Stock may be transferred, but not until debts are paid.

SEC. 19. *Be it further enacted*, That the president and directors may call a general meeting of the stockholders, for any purpose of the affairs of the institution, giving at least two weeks' notice thereof in any one newspaper, printed in said city, or two newspapers printed in this state, nearest the city, and any number of stockholders, not less than twenty-five, who together shall hold at least three hundred shares, may, at any time, apply to the president and directors to call a general meeting of the stockholders, for any purpose relative to the affairs of the institution, and if the president and directors refuse to call a meeting,

President and directors to call a general meeting of the stockholders by giving notice, and on failure to do so, stockholders owning 300 shares may do so by giving notice.

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Upon failure to elect officers on the day designated, it may be done thereafter by giving notice.

All policies & contracts to be signed by the president or person designated for that purpose, and attested by the secretary.

Affairs of the association may be carried on by assistants or committees.

Covington Fire Company, No. 1, incorporated

May sue and be sued, &c.

May make by-laws, &c.

the said stockholders, to the numbers, and possessed of the qualifications aforesaid, may call a meeting, giving notice, as in the case of the president and directors, and also, stating the object of the call in such notice.

SEC. 20. *Be it further enacted*, That should it so happen, from any cause whatsoever, that the annual election of directors should not take place, upon the day in any year, as before mentioned, for that purpose, the said corporation, for that reason, shall not be dissolved, but such election may be lawfully held on such convenient day thereafter, as may, for that purpose, be fixed on by the president and directors, they causing ten days' public notice, of the time and place thereof, to be previously given.

SEC. 21. *Be it further enacted*, That all policies or contracts of insurance, which may be made, or entered into by said corporation, shall be subscribed by the president, or president *pro tem.*, or by such other officer as shall be designated for that purpose by its by-laws, and attested by the secretary, and being so signed and attested, shall be binding and obligatory upon the said corporation, without the seal thereof, according to the tenor, intent and meaning of such policies or contracts, and such policies or contracts may be so signed and attested, and the business of said corporation may otherwise be conducted and carried on without the presence of a board of directors, by assistants or committees, to be appointed for that purpose, and the acts of such assistants or committees, if done under, or in conformity to the by-laws of the corporation, shall be binding and obligatory upon it, to all intents and purposes.

SEC. 22. *Be it further enacted*, That the present members of the Covington Fire Company, No. 1, and their successors, be, and are hereby incorporated, under the name and style of the "Covington Fire Company, No. 1," and by such name, shall be capable in law to sue and be sued, plead and be impleaded, in all courts of justice whatever, to contract and be contracted with, to purchase and hold all such real and personal estate, as shall be necessary and convenient for the attaining and prosecuting the objects of fire companies, or associations, to sell and dispose of such property as they have or may purchase, in such manner, and at such times as they may deem proper. They are further authorized to pass all such by-laws, with adequate penalties, that may, by them, be considered necessary

to govern said company, and may sue for, and recover in their corporate name, all fines and dues from its members, whenever a majority of the company may so declare or direct: *Provided*, That nothing in this section shall be construed, as repealing the whole, or any part of the act establishing said company.

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[Approved January 24, 1835.]

CHAP. 606.—AN ACT to change the time of holding the County Courts of Meade and Russell.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the county courts of Meade shall hereafter be holden on the first Mondays in each month, on which county courts are now held in said county, except in the month of August, in which month, the county court shall be holden on the second Monday.

County courts
in Meade co.
when to be held

SEC. 2. *Be it further enacted*, That hereafter it shall be lawful for the high sheriff now in office, or those who may hereafter be commissioned for said county, to execute the several bonds, which by law it is their duty to execute, either in the months of February, March or April, which bonds shall be as binding as though the same had been executed under the general law in force upon that subject.

Sheriffs of said
co. when to ex-
ecute their offi-
cial bonds.

SEC. 3. *Be it further enacted*, That from and after the March term of the Russell county court for the present year, said court shall be held on the first Monday in each and every month in the year, except those months in which the circuit courts are holden.

Time of hold-
ing the county
courts of Rus-
sell county.

[Approved January 24, 1835.]

CHAP. 607.—AN ACT for the benefit of Catharine Sampson.

Whereas, it is represented to the present General Assembly of the Commonwealth of Kentucky, That Stephen Sampson obtained a decree in the Lincoln circuit court, divorcing him from his wife, Catharine Sampson: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said Catharine Sampson be, and she is hereby restored to all the rights and privileges of an unmarried woman, and that her name in future, be Catharine Owsley.

[Approved January 24, 1835.]

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CHAP. 608.—AN ACT to authorize the County Court of Nelson, to correct its proceedings at the Court of Claims, in November 1834, and for other purposes.

Recital.

Whereas, by an act, entitled an act to authorize the subscription of stock on the part of the state, in the Louisville and Bardstown turnpike road company, approved February 11th, 1834, the county court of Nelson county was authorized to subscribe for stock in the Louisville and Bardstown turnpike road company, and to raise the money necessary to pay the same by a tax on the estate and property within said county, liable and subject to taxation under the revenue laws of this Commonwealth, by virtue of which law the said county court has subscribed for fifty shares of said stock, and at their November term 1834, did, by mistake, levy upon the tithables in said county, the sum of one thousand dollars for said purpose, instead of the taxable property.

County court of Nelson authorized to impose tax on real estate to pay subscription for turnpike road stock.

SEC. 1. *Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the said county court, a majority of all the justices being present, at their next February or April term, to rectify the mistake, and to reduce the levy as made, and impose the said sum by way of tax upon the taxable property in said county.

And authorized to borrow money for that purpose.

SEC. 2. *Be it further enacted*, That it shall and may be lawful for the said county court, a majority of all the justices being present, to borrow upon such terms, and for such time as they may deem expedient; any sum of money not exceeding five thousand dollars; for the purpose of paying the subscription for said stock, making a suitable and proper provision for the payment of the principal and interest in the mode authorized by the act aforesaid.

The trustees of Bardstown authorized to borrow money for same object

SEC. 3. *Be it further enacted*, That the trustees of Bardstown shall have like power and authority to borrow for the purposes of paying in their subscription to the stock of said road, any sum of money not exceeding two thousand dollars, upon such terms and upon such time as they may deem expedient.

[Approved January 24, 1835.]

CHAP. 609.—AN ACT amendatory to an act, to authorize the sale of the real and personal estate of Samuel Monson, deceased.

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Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of an act of the said General Assembly, approved February the twenty-second, eighteen hundred and thirty-four, as directs that Margaret Monson, administratrix of Samuel Monson, deceased, file a petition in the Nicholas circuit court, for the purposes specified in said act, be repealed, and that William McClintock, the administrator of said Samuel Monson, alone is authorized to file the petition mentioned in said act, in the circuit court of Nicholas, Harrison or Bourbon, at his option, and to carry said act into effect according to the provisions and terms thereof.

Petition may be filed in Nicholas, Harrison or Bourbon circuit court by the administrator alone.

[Approved January 24, 1835.]

CHAP. 610.—AN ACT to repeal in part the act, entitled an act to establish the Louisville Bank of Kentucky.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the twenty-fourth section of the charter of the Bank of Louisville, and the act, entitled an act to amend the charter of the Bank of Louisville, passed the fifth day of February, eighteen hundred and thirty-four, be, and the same are hereby repealed.

Repealing clause.

SEC. 2. *Be it further enacted,* That at all annual elections provided for by the charter of the said Bank, for the election of directors, that at least two of the directors then in office, shall be ineligible for re-election, for the two ensuing years.

Two directors each year ineligible for re-election.

SEC. 3. That after the election of directors in the Bank of Louisville, in May, eighteen hundred and thirty-five, the annual elections may, at the election of the stockholders, be on the first Monday of January, in each year, and the reports which said Bank are required to make annually to the legislature, by the ninth section of the charter, shall be made as of the first Monday in January in each year, instead of the time prescribed by the charter.

Time of election and making annual report changed.

SEC. 4. That it shall be lawful for the president and directors of the Bank of Louisville, to cause transfer books, for the transfer of the stock of said Bank, to be opened and kept open in the cities of Philadelphia and New York, and to make a by-law, or

Books for the transfer of stock to be opened in Philadelphia & New York.

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by-laws, prescribing the rules and regulations for the transfer of the stock, and to enforce the same, any thing in the second section of the charter of said Bank to the contrary notwithstanding.

[Approved January 24, 1835.]

CHAP. 611.—AN ACT, authorizing the Trustees of the Town of Russellville, to sell certain streets, or parts thereof, in said Town.

Streets may be sold.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the trustees of the town of Russellville may, and they are hereby authorized to sell either at public or private sale, (a majority of them concurring therein) the following described streets, or so much thereof as lies between lots number seventeen and nineteen, of Amos Edwards' addition, which street stops with the line between S. Curd's and A. Edwards' addition to said town.

Streets described.

SEC. 2. *Be it further enacted*, That the said trustees be, and they are hereby authorized to sell, at either public or private sale, the street which passes North sixty-six East, on the South side of Hubbard Sanders' addition to the town of Russellville, that is to say: that part of said street which lies on the South side of, and adjoining lots number fifty-five, eighty-seven, eighty-eight and eighty-nine, in said addition, beginning at the South West corner of lot number fifty-five, running South twenty-four East, to the South boundary of said street, and including all the said street which lies eastwardly thereof; also, all the street in said addition, which runs parallel with the last named street, which lies on the East of a line running from the North-east corner of lot number eighty-seven, in said addition, North twenty-four West, to the said street, being the next street lying North of the one first described North-east boundary of said street last named.

Deeds to be made—proceeds of sale appropriated

SEC. 3. *Be it further enacted*, That said trustees shall convey said lots, or parts of lots, to the purchaser or purchasers, on the payment of the purchase money; the money so paid, shall be applied to the use of said town, in such manner as the trustees may think most advantageous.

[Approved January 24, 1835.]

CHAP. 612.—AN ACT to amend an act to incorporate the Lewis Pottery Company, and for the purpose of manufacturing of Queensware and China, at Louisville.

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Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the second section of an act to incorporate the Lewis Pottery Company, for the purpose of manufacturing Queensware and China at Louisville, approved December the fifteenth, eighteen hundred and twenty-nine, shall be so amended as to authorize the commissioners named in the first section of said act, to sell stock in said company, in shares of fifty dollars, instead of in shares of five hundred dollars, as provided in said section, and any one or more of said commissioners may perform the duties required by said act, of said commissioners.

Stock may be sold in shares of fifty dollars, and two com'rs may act.

[Approved January 24, 1835.]

CHAP. 613.—AN ACT for the benefit of the Sheriff of Spencer County.

Whereas, it is represented to the General Assembly of the Commonwealth of Kentucky, That the sheriff of Spencer county did not, during the year eighteen hundred and thirty-four, in the time required by law, procure his delinquent list, to be admitted and certified by the county court of said county, and in consequence thereof, has paid the full amount of the revenue, chargeable against his county: for remedy whereof,

Preamble.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the auditor of public accounts be, and he is hereby authorized, upon the sheriff of Spencer county, producing to him the delinquent list of his said county properly certified and admitted by said county court, to issue a warrant on the treasury for the amount of such delinquent list, which warrant, the treasurer is hereby directed and required to pay out of any money in the treasury not otherwise appropriated.

To receive out of treasury to amount of delinquent list.

[Approved January 28, 1835.]

CHAP. 614.—AN ACT to incorporate the Richmond Female Academy.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That William McClana-

Names of the persons incor-

1835

porated, and
style thereof.

The powers
and privileges
granted.

Authorized to
receive, sell, or
purchase prop-
erty.

First meeting
of corporation
to be advertised
Officers to be
elected.

Powers of the
trustees.

May employ
teachers, &c.

han, James B. Walker, Squire Turner, Clifton Rodes, Howard Williams, Oliver C. Steel and Joseph Lees, shall be, and are hereby constituted a body politic and corporate, to be known by the name of the trustees of the Richmond Female Academy, and by that name shall have perpetual succession; and as a body corporate, shall be authorized to exercise all the powers and privileges that properly and necessarily appertain to them in that character; and on the death, resignation or other disqualification of any of the trustees aforesaid, or their successors, a majority of the remaining trustees shall fill such vacancy; and the person so appointed, shall be vested with the same power and authority as if specially named by this act, and by the name and style of the trustees of the Richmond Female Academy, may sue and implead, and be sued and impleaded in any court in law and equity, or before any tribunal, having cognizance of the same.

SEC. 2. *Be it further enacted*, That the said trustees and their successors, shall have power in their corporate capacity, to purchase or lease, or receive by donation, any lands, tenements, hereditaments, monies, rents, goods and chattels, and to hold the same by the name aforesaid, to them and their successors forever, for the use of said Academy; and to sell, alien or transfer, any such lands, goods and chattels, and apply the proceeds to the use and benefit thereof.

SEC. 3. *Be it further enacted*, That the person first named herein, or in his absence, or refusal to act, the next shall notify the time and place for the first meeting of the trustees, and on the attendance of a majority thereof, they shall appoint a chairman and treasurer, who shall also act as clerk; and thereafter, the board may be called by the chairman or any two of the trustees. The said trustees shall have power to adjourn from day to day, to make and ordain such by-laws, rules and ordinances, as they may deem proper, not inconsistent with the laws of this commonwealth: *Provided*, That a majority of all the trustees shall be necessary to constitute a quorum to do business.

SEC. 4. *Be it further enacted*, That a majority of said trustees shall have power to engage and employ a competent number of teachers to the said Academy, to fix their salaries, as also the terms of tuition, and on the misconduct of any teacher or pupil, may expel or dismiss such teacher or pupil, from said Academy.

SEC. 5. *Be it further enacted*, That all the fines and forfeitures which have been assessed and not paid over, or which may hereafter be assessed for offences committed in the town of Richmond, shall, when collected, be paid over to the treasurer of the board of trustees of the Richmond Female Academy; and if any officer to whom process is delivered for the collection of any such fines or forfeitures, shall be guilty of any omission, neglect or failure of duty, for which he is now liable by law upon civil process, he and his securities, or any of them, shall be subject to the same proceedings and liabilities, as are provided for by law, for any such omission, neglect or failure upon process in civil cases; and all motions, actions, suits or warrants, instituted under this section, shall be carried on and prosecuted by the trustees of said Academy, for the time being, as relators in the name of the commonwealth.

1835

Fines, &c. for offences committed in Richmond to be paid to them.

How may be recovered of collecting officers.

SEC. 6. *Be it further enacted*, That the number of trustees of the Madison Seminary, shall be, and they are hereby reduced to seven, and that Ezekiel H. Field, Daniel Breck, Curtis Field, Thompson Burnham, Joseph Turner, David Irvine and William C. Goodloe, be, and they are hereby appointed trustees of the Madison Seminary, with power to fill any vacancy which may occur in their board.

Trustees of Madison seminary reduced to seven.

[Approved January 28, 1835.]

CHAP. 615.—AN ACT for the benefit of the subscribers to the Evangelical Episcopal Church, in Shelby County.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That William C. Beckham, of the county of Shelby, be, and he is hereby appointed a commissioner, vested with full power to sell and convey a certain house, and one acre of ground upon which the same is built, being in the county of Shelby, on the road known and called the Manslick road, being the house erected by subscription upon the land of Thomas Hornsby, now deceased, which acre of ground was given, by the said Hornsby, as a part of his subscription to said house, for the benefit of the Evangelical Episcopal Church; and any title made by said commissioner, according to the law of conveyancing now in force in this commonwealth, shall be deemed good and valid against the claim or

A commissioner appointed to sell the church.

1835

To give notice of sale.

To distribute the proceeds of sale among the subscribers.

If commissioner appointed fails to act, circuit court of Shelby to fill the vacancy.

Compensation to commissioner.

claims of all persons whatever, and especially against the claim of the heirs of said Thomas Hornsby.

SEC. 2. *Be it further enacted*, That it shall be the duty of said commissioner to advertise the sale of said house and one acre of ground, by public written notice, at the court house in the said county of Shelby, and other public places therein, giving at least thirty days' notice of the sale thereof, and that the same will be sold, upon the premises, on a credit of six, twelve and eighteen months, from the day of sale; and it shall be the further duty of said commissioner to take bonds, with good security, to him as commissioner, from the purchaser or purchasers of said house and lot; which purchase money, when collected by said commissioner or his representatives, shall be paid over to the subscribers to the building of said church, in proportion to the several sums paid by each subscriber.

SEC. 3. *Be it further enacted*, That if said Beckham should refuse to act as commissioner, under the provisions of this act, then, and in that case, it shall be the duty of the circuit court for the said county of Shelby, upon the application of any one of the subscribers to the building of said church, upon proof thereof made to said court, appoint a suitable person as commissioner to carry into effect the provisions of this act, who shall be, by the appointment of said court, vested with the same powers and privileges as belong to the commissioner herein named.

SEC. 4. *Be it further enacted*, That said commissioner shall be entitled to two dollars per day, for every day he may be engaged executing the duties assigned him by this act.

[Approved January 28, 1835.]

CHAP. 616.—AN ACT for the benefit of Jesse Reed.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act, that the name of Jesse Reed, of Trigg county, be, and the same is hereby changed to Jesse Cook, by which appellation the said Reed shall hereafter be forever known and designated.

[Approved January 28, 1835.]

CHAP. 617.—AN ACT to repeal certain acts regulating Roads in the County of Fayette.

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SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That an act, entitled an act concerning the public highways in the county of Fayette, and for other purposes, approved January 22, 1830, and the other; entitled an act to amend the act providing for the opening and keeping in repair the highways in the county of Fayette, approved January 30, 1833, be, and the same are hereby repealed.

Certain acts of 1830 and 1833, repealed.

SEC. 2. *Be it further enacted,* That all laws in force at the passage of said acts, or either of them, concerning the public highways in the county of Fayette, and repealed, altered, or changed in any respect, by the above recited acts, or either of them, shall be, and hereby revived, and declared to be in full force in the said county of Fayette, in the same manner, and to as full extent, as if said recited acts, or either of them, had never passed.

The laws in force at time of passage of said acts, revived & in force.

And whereas, the county court hath, in consequence of the road commissioners in the county of Fayette failing to qualify as such, continued to exercise jurisdiction over the roads of said county, and doubts are entertained as to their powers to do so: for remedy whereof,

SEC. 3. *Be it enacted,* That the proceedings of said court, in relation to roads of said county since the first Monday of August last, shall be, and the same are hereby legalized, and declared to be as valid as if the above recited acts had never passed.

The proceedings of county courts in relation to roads legalized.

SEC. 4. *Be it further enacted,* That in addition to the powers heretofore possessed by said county court of Fayette, that they may have power to levy money, to purchase or pay for ploughs and other instruments to work the public highways in said county, and proceed by attachment, or by suit, or warrant, against any overseer of a highway, or other person, who shall have such tools or instruments, and fail to deliver them, according to the order of said court, to any overseer, or other agent or person, appointed by the said county court to receive them.

Power granted said court to levy money to buy ploughs, tools, &c. for making roads.

SEC. 5. *Be it further enacted,* That the county court shall have full and competent authority, in all cases where particular roads, or parts of roads, in said county, may require bridges, or other repairs, or labor, more, in the opinion of said court, than ought to

And may levy money to erect and to repair bridges, &c. in certain cases.

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be required by the overseers or hands allotted to such roads, or parts of roads, to perform, to order such additional work and labor to be done, and to employ all necessary hands, and incur the requisite expenses to complete the work required to be performed, and towards paying for the same, to levy and appropriate money, as in other cases provided for by law.

[Approved January 28, 1835.]

CHAP. 618.—AN ACT for the benefit of Susan Henderson.

Whereas it appears, that Susan Henderson is an actual settler on a vacant tract of land, which is known and designated as the south east quarter of section twenty, township one, range one, east, in the district of country west of the Tennessee river, and that she is poor and helpless, with a large family of children to support, and possessing no means of obtaining her said land: therefore,

Be it enacted, That the said Susan Henderson may, at any time after the passage of this act, apply to the receiver of public moneys for said district, and enter the said tract of land, on which she resides, free from the payment of the state price therefor, which is hereby donated and given to her by this act.

[Approved January 28, 1835.]

CHAP. 619.—AN ACT for the benefit of Enos Lassater, Thomas D. Parker and John L. Henderson.

Recital of Lassater and Parker's application.

Whereas it appears, that Enos Lassater and Thomas D. Parker have made mistakes in the location of their tracts of land, the former, by having entered the north west quarter of section two, township two, range six, east, and the latter, by having entered the north east of section two, township two, range six, east, in the district of country west of Tennessee river, when, as it appears, it was their clear intention to have entered other tracts of land, and they having obtained patents for the tracts of land entered: therefore,

Permitted to make an exchange of lands

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said Enos Lassater and Thomas D. Parker, or either of them, upon application, shall be permitted, by the receiver of public moneys, to enter as much of any other va-

cant and unappropriated lands in said district, as will amount in value, at the state price, to the sum of money paid by them for the above named tracts of land, entered by them through mistake: *Provided, however,* That the said Lassater and Parker, or either of them, making application for that purpose, shall, upon making such entry or entries, file with the receiver the patent or patents, for the above named tract or tracts of land; and shall also file a relinquishment to the commonwealth of all right and title thereto, signed with his hand and seal, and deposited with the receiver, which shall authorize said quarter to be entered as vacant land by any other, and said receiver shall return said relinquishment to the register's office, where the same shall be filed and recorded in the book in which patents are recorded, and immediately before or after the patent, which may hereafter issue to any subsequent locator of the quarter so relinquished, and upon the face of the patent, shall be stated the fact of such relinquishment.

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Proviso.

And whereas it appears, that John L. Henderson holds, as assignee, a certificate for the north west quarter of section twenty two, township six, range three, west, which was entered as vacant land by Henry Lynn, but has proved to be within the treasury warrant claim of Colonel John Harris, as appears by the surveyor's certificate of McCracken county: for remedy whereof,

Recital of J.
L. Henderson's
case.

SEC. 2. *Be it further enacted,* That, whenever the said John L. Henderson shall file the said certificate with the receiver of public moneys, and sign and acknowledge a memorandum, which said receiver shall make on his books, acknowledging a relinquishment of his right and claim to said quarter of land, upon which the said receiver shall erase the said entry from his books, and permit the said Henderson to enter as much of any vacant and unappropriated land in said district, as will amount in value, at the state price, to the sum of money paid by the said Henry Lynn, for the said quarter so relinquished.

Who is per-
mitted to alter
his entry for
lands with the
receiver, &c.

[Approved January 28, 1835.]

CHAP. 620.—AN ACT concerning the town of Nicholasville.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That when the trust-

The trustees
may cause cer-

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tain new streets
to be condemn-
ed.

Mode of as-
sessing the da-
mages and the
proceedings
therein, &c.

New streets to
be kept in re-
pair.

Act of 1831
repealed.

tees of the town of Nicholasville, in the county of Jessamine, shall enter an order upon their minute book, that it is expedient to open a street, commencing at main street, and running adjacent to the lots of Rice and Mrs. Hogan, to the Versailles road, and also to extend the street passing by the residences of James McCabe and Jos. L. Maxwell, to the Versailles road, it shall be lawful for them to convene a jury of twelve freeholders, who are not residents of the town, by the coroner of said county, which jury shall view the proposed street, being first sworn by said coroner, impartially, and to the best of their skill and judgment, to say what damage it will be of to the several respective proprietors of the premises assessed, and their verdict shall be binding in law upon the said trustees and the proprietors aforesaid; and said trustees may, upon first paying the amount assessed by said jury to the owners of said land, proceed to open said streets, and when established, shall be kept in good repair by the trustees of said town, under the same penalty prescribed by law against overseers of roads in such cases.

SEC. 2. *Be it further enacted*, That the act, approved the 23d of December, 1831, entitled an act to extend the limits of the town of Nicholasville, be, and the same is hereby repealed.

[Approved January 29, 1835.]

CHAP. 621.—AN ACT to continue and extend the Salt Works Turnpike Road, from C. and J. White's Furnace, to Wilson and Quarrier's Furnace.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the salt works turnpike road from C. and J. White's furnace, be, and the same is hereby continued and extended to the furnace of Wilson and Quarrier, and the same shall be opened, improved and worked upon in the same manner, and governed in every respect by the laws now in force regulating and prescribing the manner in which the said salt works turnpike road is now kept open.

[Approved January 29, 1835.]

The salt works
road from C. &
J. White's fur-
nace to be ex-
tended and
worked to Wil-
son and Quar-
rier's furnace.

CHAP. 622.—AN ACT to amend the Charter of the City of Louisville

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SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the valuation and assessment of property for taxation in the city of Louisville, shall be made as of the tenth of January, eighteen hundred and thirty-five, and as of the same day every year thereafter; and it shall be the duty of the mayor and council of said city, to cause said valuation and assessment to be made at a fair cash price, and as soon after the tenth day of January in each year as practicable.

Valuation of property for taxation.

SEC. 2. *Be it further enacted,* That a lien shall exist on all property assessed for taxation, until the payment thereof.

A lien on the property for the taxes.

[Approved January 29, 1835.]

CHAP. 623.—AN ACT to repeal the act, establishing the lower Precinct in Butler County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the act establishing the lower precinct in the county of Butler, approved the thirteenth day of January, eighteen hundred and twenty-eight, be, and the same is hereby repealed.

[Approved January 29, 1835.]

CHAP. 624.—AN ACT to authorize the County Court of Pulaski to have Roads opened to and from certain places.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county court of Pulaski county, be authorized and permitted to have roads opened to and from the salt works that are now, and may hereafter be in operation in said county, and to and from the coal mines that are now, and may hereafter be in operation in said county; said court shall, in directing said roads to be opened, be governed in every particular, by the laws now in force, authorizing county courts of this commonwealth to have the public highways opened and kept in repair.

Roads may be opened to and from salt works and coal mines.

[Approved January 29, 1835.]

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CHAP. 625.—AN ACT to establish and change certain Constables Districts, in the Counties of Henry and Oldham.

District in
Henry enlarged

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the bounds of the constable's district in the county of Henry, composed of the second battalion, in the eighty-eighth regiment of Kentucky militia be, and the same is hereby so enlarged and changed, as to include Mrs. Buckley's and Mr. Voires' taverns, in the town of Newcastle, Henry county, within the boundary of said district.

Constable in
first district in
Oldham may
reside in West-
port.

SEC. 2. *Be it further enacted,* That from and after the passage of this act, that the constable of the first constable's district, in the county of Oldham, have the privilege of living in the town of Westport, in said county, any law to the contrary notwithstanding.

Additional dis-
trict in Oldham

SEC. 3. *Be it further enacted,* That there shall be an additional constable's district in the county of Oldham, bounded, as follows: To commence at Abbotts' ferry on the Ohio river, and run with the road to Brownsborough, as far as Snider's mill, on Harrod's creek; thence down said creek, to the county line; thence with said line, to the Ohio river; thence up said river to the beginning, be, and the same is hereby declared an additional constable's district, in the said county of Oldham.

A district in
Henry enlarged

SEC. 4. *Be it further enacted,* That the constable's district in which Thomas Bartlett, constable of Henry county, now resides, and being bounded by Flat creek, Six mile, and the Kentucky river, be, and the same is hereby so enlarged, as to include Henry Moor's residence, at the mouth of Six mile, in said county of Henry, any law to the contrary notwithstanding.

[Approved January 29, 1835.]

CHAP. 626.—AN ACT to change the time of holding the Greenup and Lewis Circuit Courts.

Greenup.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Greenup circuit court shall hereafter commence on the first Mondays in April, July and October, and continue twelve juridical days, if the business thereof shall require it.

Lewis.

SEC. 2. *Be it further enacted,* That the Lewis circuit court shall hereafter commence on the Tuesdays preceding the first Mondays in April, July and Octo-

ber, and shall continue five juridical days at each term, if the business of the court require it.

SEC. 3. *Be it further enacted*, That all process heretofore served, or which may hereafter be served and made returnable to the terms of the Greenup and Lewis circuit courts, as heretofore holden, shall be, and the same are hereby made returnable to the courts at the terms they are hereby declared to be holden, agreeably to the provisions of this act.

Process valid.

[Approved January 29, 1835.]

CHAP. 627.—AN ACT to amend the law in relation to the Constables in this Commonwealth.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the constables now in office in this commonwealth, shall vacate their offices, at the several times they are required by law to renew their official bonds.

Constables now in office to vacate their offices.

SEC. 2. That all constables hereafter appointed, shall hold their offices for the term of two years and no more; but they shall be eligible, and may be re-appointed from time to time, by their respective courts, as long as they shall behave well.

Constables hereafter to be appointed for two years.

[Approved January 29, 1835.]

CHAP. 628.—AN ACT for the benefit of William P. Grigg.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William P. Grigg be, and is hereby released from all the liabilities to which he has been subjected by the late law, which divorced from him his late wife, Jane; and that said William be restored to all the rights and privileges of an unmarried man.

[Approved January 29, 1835.]

CHAP. 629.—AN ACT for the benefit of Richard L. Fox and Sarah Ann Fox his wife, and their infant children.

Whereas, Richard Fox in his lifetime conveyed to Herman Bowmar and Dandrige C. Freeman, a tract of land in the county of Woodford, containing

Recital.

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about 111 acres, to be held by the said Bowmar and Freeman, in trust for and for the use and benefit of Sarah Ann Fox, the wife of the said Richard L. Fox, and after her death for the use and benefit of the children of the said Sarah Ann and the said Richard L. Fox; and whereas the said Richard L. Fox and Sarah Ann Fox are desirous to remove from the county of Woodford to some other part of the state of Kentucky, and to enable them so to do, desire the said tract of land to be sold and the money arising from the sale to be vested in other lands of equal value: therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the said Herman Bowmar and Dandridge C. Freeman, and the said Richard L. Fox and Sarah Ann Fox with their infant children, to petition the court of chancery for Woodford county to decree a sale of the said tract of land.

SEC. 2. *Be it further enacted,* That it shall be lawful for the court of chancery for Woodford county, when a petition is filed and all the facts of the case are before the court, to decree said tract of land to be sold if it should be thought most advisable so to do; and if the said court shall decree a sale of the said tract of land, it shall appoint a commissioner to carry its decree into effect, whose duty it shall be, when the money arising from the sale of said tract of land shall come to his hands, to purchase with the money arising from the sale aforesaid, some other tract of land of equal value in the state of Kentucky. But said commissioner shall not purchase any particular tract of land without the consent of the said Richard L. Fox and Sarah Ann Fox first being given thereto in writing; and the said commissioner, after he shall make the purchase, shall cause a conveyance of the land so purchased to be made to some fit and proper individual to be named by the said Richard L. Fox and Sarah Ann Fox, to be held in trust by the said individual for the use and benefit of the said Sarah Ann Fox during her life, and after her death for the use and benefit of the children of the said Sarah Ann and Richard L. Fox. And if the court shall decree a sale, it shall in the decree direct the commissioner to make the purchase and take the conveyance as is herein directed; and require said commissioner to give bond and security, in a sum to be named by the court, that he will faithfully carry said decree into effect.

The circuit court of Woodford may decree the sale of a tract of land belonging to them.

[Commissioner to be appointed to sell the land and purchase other lands.

To be held in trust for the wife and children of said Fox.

Commissioner to give bond & security.

SEC. 3. *Be it further enacted,* That if the said Herman Bowmar and Dandridge C. Freeman refuse to join in said petition, it shall be lawful for the other petitioners to make them defendants, and the court shall require them to answer said petition, and thereupon such other proceedings may be had as is usual in suits in chancery: *Provided,* That said court shall not decree a sale of said land against the will or without the consent of said Bowmar or Freeman.

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The proceedings to be had, and the rights of others to be observed.

[Approved January 29, 1835.]

CHAP. 630.—AN ACT to establish Election Precincts in the counties of Nicholas, Bourbon, Pendleton and Campbell.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all that part of Nicholas county within the following bounds, viz: Beginning at the Bath and Nicholas corner on Main Licking river; thence down said river four miles; thence parallel with the Nicholas and Bath line to the Bourbon line; thence with said line to the upper corner of Nicholas; thence with the Nicholas line to the beginning, shall constitute an election precinct in the county of Nicholas, called and known by the name of the Moorefield precinct, and all qualified voters residing within said precinct, may vote in all legal elections at the house of Dunlap Howe, in the town of Moorefield: *Provided,* it shall be lawful for any of the qualified voters residing within said precinct, to vote at the court house of said county if they shall so elect.

Bounds of the precinct in Nicholas.

Place of voting therein.

Voters may vote at court house.

SEC. 2. *Be it further enacted,* That the county court of Nicholas, at the time they appoint judges and a clerk of elections at the court house, shall also appoint judges and a clerk to take the votes in said precinct, and the sheriff or his deputy shall attend at the place herein appointed for holding the elections in said precinct, and conduct the same.

County court to appoint officers to conduct elections therein.

SEC. 3. *Be it further enacted,* That the sheriff of Nicholas county shall cause the votes taken at said precinct to be carefully compared with the votes taken at the court house and the other precinct of said county, and make return according to law.

Sheriff to compare the votes, &c.

SEC. 4. *Be it further enacted,* That there shall be established an election precinct in the county of Bourbon included within the following boundary: beginning on the Winchester road at its intersection with

Bounds of the precinct in the co. of Bourbon

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the Clarke line near Hornback's mill; thence with the said Winchester road, in the direction of Paris, to where the iron works road crosses the Winchester road at stony point meeting house; thence with the iron works road to its intersection with the old Paris and Lexington road; thence with the latter road to the Bourbon and Fayette county line; thence with that line to the intersection of the same with the Bourbon and Clarke county line, and with the latter line to the beginning; and the voters living within the aforesaid boundary shall have the privilege of voting in all county elections at the place hereinafter designated.

Officers to be
appointed to
conduct the e-
lections therein
Place of voting

SEC. 5. *Be it further enacted*, That it shall be the duty of the county court of Bourbon county to appoint judges and a clerk for every county election, who shall meet at the house now occupied by Peter O. Skinner in Clintonville, in said precinct, and conduct said elections according to law.

Votes to be
compared at
court house.

SEC. 6. *Be it further enacted*, That the sheriff of Bourbon county shall compare the polls of said precinct at the same time and place that he is directed by law to compare the other polls of the county elections of Bourbon county.

Precinct es-
tablished in the
co. of Pendle-
ton.

SEC. 7. *Be it further enacted*, That an election precinct shall, and the same is hereby established in the county of Pendleton, to be called the Grassy creek precinct, and to be held at the house of Richard Mullins at the Grassy creek mills.

Officers to be
appointed to
conduct the e-
lections therein

SEC. 8. *Be it further enacted*, That the county court of Pendleton shall appoint judges and a clerk to the elections to be held at the precinct established by this act, who shall be governed in all respects by the laws now in force governing elections, and it shall be the duty of the sheriff attending elections at said precinct to meet and compare the polls at the court house, in the town of Falmouth, on the day after the polls are closed.

To compare
the polls, &c.

A precinct es-
tablished in the
co. of Campbell

SEC. 9. *Be it further enacted*, That an election precinct be, and the same is hereby established in the county of Campbell, to be called the Covington precinct, the elections in which shall be held in the city of Covington and at the council house, upon the public square in said city, unless the mayor and council of said city shall designate some other or more suitable place, which they are hereby authorized and empowered to do, upon giving at least three weeks notice thereof, at two or more public places in said city.

Place of voting

SEC. 10. *Be it further enacted*, That the county court of Campbell shall, at the time they appoint judges and clerks of the elections for the other precincts in said county, appoint judges and a clerk of election for the precinct hereby established, who shall be governed in all respects by the laws now in force in relation to elections; and it shall be the duty of the sheriff attending the elections at said precinct, to meet at the court house in the town of Newport, to compare the polls as is required in relation to other sheriffs attending the elections at the other precincts in said county of Campbell.

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Officers to be appointed to attend the elections, compare the polls, &c.

[Approved January 29, 1835.]

CHAP. 631.—AN ACT to repeal in part and amend in part an act to establish Seminaries of Learning in the counties of Monroe, Grant, Todd, Trigg, Ohio and Daviess, approved Dec. 13th, 1820.

Whereas, it is represented to the General Assembly that the trustees of the Monroe seminary, appointed by the above recited act, have failed to perform the duties assigned to them by said act: therefore,

Recital.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William Butler, Rice Maxey, John G. Evans, Hiram K. Chism, Tubal E. Strange, William H. Wooten and Samuel Thomas, be, and they are hereby appointed trustees of said seminary, in the room of the former trustees, and shall possess all the powers with which said former trustees were invested by said act, and shall be subject to the same restrictions contained therein.

New trustees appointed for the seminary in Monroe co.

[Approved January 29, 1835.]

CHAP. 632.—AN ACT to prescribe certain duties to the Secretary of State, the Treasurer and Auditor.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of the secretary of state to report to the auditor of public accounts, all stocks in incorporated turnpike road and bridge companies that have been, or may hereafter be subscribed for by the governor, for, and on behalf of, the commonwealth.

Secretary of state to report to the auditor the amount of stocks subscribed on behalf of the state.

SEC. 2. *Be it further enacted*, That it shall be the duty of the treasurer and auditor of public accounts,

Treasurer and auditor to keep

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a separate account of the internal improvement fund

each, to keep under the head of "Internal Improvement fund," a separate and distinct account of all the moneys received into and paid out of the public treasury, under the provisions of the act entitled "an act to provide for the payment of subscriptions and appropriations to objects of internal improvement," approved February the twenty-second, eighteen hundred and thirty-four, and make reports thereof to the general assembly, at the commencement of its annual sessions.

Ordinary revenue not to be applied to the payment for internal improvement.

SEC. 3. *Be it further enacted*, That the payment of all subscriptions and appropriations for the purposes of internal improvements shall be charged on the funds which have been, or may hereafter be, set apart for the purposes of internal improvements; and that the ordinary revenue of the commonwealth, shall not, in any possible event, be liable to the payment of the whole or any part of such subscriptions or appropriations.

[Approved February 3, 1835.]

CHAP. 633.—AN ACT to amend the several acts concerning the town of Hopkinsville.

Whereas, it is proper that the powers and duties of the trustees of the town of Hopkinsville should be enlarged and more accurately defined: therefore,

Powers of the trustees.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the trustees of the town of Hopkinsville shall have power to pass all by-laws and ordinances, and adopt rules and regulations, concerning and compelling the removal of nuisances from the lots and streets of said town; and to adopt such measures as they may deem expedient to secure and preserve the health of the citizens. They shall have power to sustain and enlarge the market house now erected, or to build another, set apart market hours, appoint a clerk to the market, and make rules to govern the same. They are authorized to receive by purchase or donation, one or more lots or pieces of ground, either in or out of the town for burying grounds or grave yards, to be under the regulations of the board. They shall have power to appoint a town sergeant, a weighmaster, a health officer and a treasurer, and to prescribe the duration of their offices and particular duties, by ordinances of the board. They

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shall have power to pass ordinances against shooting in the limits of the town, showing of stud horses, profane swearing, drunkenness, and all other improper and indecent conduct in said town. They shall have power to remove obstructions from the streets and alleys, and to adopt such rules and regulations for keeping the same in repair, as they may deem expedient. They shall have power to regulate the hay scales in said town, and the manner and price of weighing produce therein. They shall have power to control and regulate the erection of booths, arbors and stands, and the sale of vegetables, provisions, marketing, fruits and produce in the streets and public grounds of said town, and to prohibit the sale of liquors. They shall have power to lay an additional tax on the real and personal estate in said town subject to taxation, not exceeding twenty-five cents in the one hundred dollars of valuation upon the *ad valorem* principle of taxation, and also a poll tax not exceeding one dollar on each free male person over twenty-one years of age; also to tax all exhibitions, shows and performances, whether of persons or animals, or for theatrical purposes exhibited for money or property; to tax pedlars, and also auctioneers, in a sum not exceeding two and a half per cent. on the amount of all goods, wares and merchandize sold by them for non-residents of said town; also to impose a tax not exceeding fifty dollars upon the owner of each tipling house in said town, and to pass ordinances in their discretion for suppressing the same. They shall have power to organize one or more fire companies, and purchase fire engines and hose, and appoint firemen not exceeding twenty to each engine, who may be discharged at the pleasure of the board, and who shall be exempt from performing militia duty during the time of peace. They shall have power to make rules and regulations concerning common beggars and vagrants found loitering about said town, and to appoint a town patrol for the preservation of peace and good order, and adopt rules concerning the same. They shall have power to adopt such rules as may be necessary to keep order among the free negroes resident in said town, and such transient free negroes as may be found therein; and that all such free negroes shall, upon complaint, be summoned before the board, and upon its being ascertained that such negroes are guilty of improper conduct, and without visible means of support, by labor or pro-

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erty, that they may be hired out by the town sergeant, for a period not exceeding three months, the proceeds to be applied to the use of the town, or that they may, in the discretion of the board, be expelled from the limits thereof. They shall have power generally, to pass by-laws, ordinances, rules and regulations, for the government and welfare of said town, under adequate fines and penalties; and to impose fines on the members and officers of the board, who shall fail to attend at regular meetings, or when summoned to attend called meetings by order of the chairman; and the town sergeant shall have power to collect the fines imposed by the board, and serve process issued by its order: *Provided*, That all by-laws and ordinances of said board shall be read at two successive meetings of the board on different days, and be published before they shall be in force; *And it is further provided*, That they shall contain nothing contrary to the constitution of the United States, or the laws or constitution of this commonwealth.

Town tax,

SEC. 2. *Be it further enacted*, That the property in said town subject to State tax shall also be liable to the town tax, except stud horses, jacks and tavern licenses, and shall be estimated in its value at the same date with the estimation of property for the state revenue; that said property shall be subject to lien for the town tax, and that the town collector shall have power of distraining therefor, in the same manner as the sheriff now has for the revenue; the poll tax shall be levied upon free male tithables only; that the commissioner of town tax shall, in his lists of taxable property, as distinctly as may be, specify the town lots and vacant ground entered or taken in for taxation; that the said lots and ground shall be subject to a lien for said town tax, and in case the tax be not paid on the same, on or before the first day of July in each year, the same, or so much as may be necessary, shall be sold therefor, at the door of the court house after three months public notice, once in each month, in the paper printed in the said town, and if no paper be printed therein, then by such other public notice (not less than three months,) as the trustees may direct, subject to right of redemption, upon payment of the tax and all costs, with fifty per cent. thereon, by the owner or owners, within one year from the day of sale, and saving the rights of infants, married women, and persons of unsound mind. That the number of the trustees

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Town bounds.

of Hopkinsville shall be fixed at seven, and shall so remain; and the boundaries of Hopkinsville shall be, and remain as follows: beginning at the north west corner of Clark's addition, and running with the northern boundary of said addition, and the same course continued to a point intersecting with the course of Liberty street, and opposite the northern termination of said street, thence a straight course to and with Liberty street, including the same to the intersection of Jackson and Liberty streets, thence with Jackson street to a point opposite the northern termination of sixth street, thence a straight course to and with sixth street to the intersection of sixth with Nashville street, including the triangular lot east of lot No. 9 of Bartholmew T. Woods' addition to the said town, and binding on the east side of sixth street, thence with Nashville street and road to the intersection of the Clarksville road, thence with the Clarksville road to a point opposite to the south east corner of lot No. 45, in said Woods' addition, thence to and with the southern boundary of said lot, and with the southern boundary of Hopkinsville to the south western corner of the original plan of said town, and thence with the western boundary line of the town to the beginning, with a provision that all the streets and alleys running parallel with and between main cross street and Nashville street, and including those streets, may be opened by the trustees to the town fork of Little river, for the convenience of the citizens in obtaining water.

[Approved February 3, 1835.]

CHAP. 634.—AN ACT to incorporate the Male and Female Academy of Lebanon, and the Female Academy of Glasgow.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Samuel B. Robertson, Nicholas Ray, sen. Benjamin Edmonds, Robert H. Fogle, Samuel McIlroy, Foster Ray, Joseph Maxwell, Felix B. Grundy, Joseph P. Knot and R. H. Rowntree, and their successors, be, and the same are hereby constituted a body corporate, under the name and style of the trustees of the Lebanon male and female seminaries, with full power and authority to have perpetual succession, and a common seal, and in that name to sue and be sued, plead and be impleaded, to acquire any estate real, personal or

Trustees of the academy in Lebanon incorporated, and style thereof.

General powers conferred.

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mixed, by gift, purchase or otherwise, the same to hold, sell and convey to the only use, benefit and purpose of conducting and supporting said seminaries.

Authorized to
appoint their
officers.

And officers to
the academy.

SEC. 2. *Be it further enacted*, That said trustees shall have power to appoint a chairman or president to their board, a treasurer, clerk, and all such officers, and agents as they may deem necessary and proper, for the judicious management of the property and funds of the corporation. They shall have power to appoint a principal teacher to each seminary, who shall be styled the president, and such under and assistant teachers and professors, as they may, in their discretion, deem necessary.

May remove
the president,
professors, &c.

May enact by-
laws.

SEC. 3. *Be it further enacted*, That said trustees shall have full power and authority, two thirds of the whole number concurring therein, to remove any president, professor, teacher or officer, from their station, and to supply their places by such other president, professor, officer or teacher, as they may see proper to choose; and they shall have full power to enact and make such by-laws and regulations as they may deem necessary in transacting said business, provided the same are not inconsistent with the constitution or laws of this commonwealth.

First meeting
of the trustees.

SEC. 4. *Be it further enacted*, That said trustees shall hold their first session in the town of Lebanon, on the second Monday in March next, or as soon thereafter as may be; and they shall, in every year thereafter, hold two annual stated sessions, at such time and place as they may designate at their first meeting.

A quorum to
do business.

SEC. 5. *Be it further enacted*, That three members shall be sufficient to constitute a board for the transaction of business, in all cases, excepting those particularly named.

Called meet-
ings of board.

SEC. 6. *Be it further enacted*, That the president of the board of trustees shall have full power to call special meetings of the board; and it shall be his duty to do the same, upon the request of any three of them, on giving ten days previous notice of the time and place of meeting.

A majority of
the board ne-
cessary to per-
form certain
business.

SEC. 7. *Be it further enacted*, That the assent of a majority of the whole number of trustees shall be necessary to perform the following business: To elect and fix the salary of the president, professors and teachers; to alienate, sell or convey any lands, tenements or rents belonging to the seminaries; or to ap-

appropriate any monies or property they may have for the benefit of the same.

SEC. 8. *Be it further enacted*, That upon the death, resignation or other disability of any one of the trustees, or if any of those appointed, shall refuse to act, their places may be filled by ballot, a majority of the members being present.

SEC. 9. *Be it further enacted*, That it shall not be necessary for the corporation to procure a common seal. All its corporate acts shall be manifested and made known by the signature and name of the president or chairman of the board of trustees of the Lebanon male and female academies, affixed to the document, contract or writing executed, or by some entry, minute or memorandum made on the record of the proceedings of the corporation; and all contracts, deeds, writings and conveyances made and entered into, in the name of the corporation, and signed by the president in his official capacity, in manner aforesaid; shall be as good and effectual in law for the purpose designed by them, as if the corporation had a common seal, and the same was affixed in due form to the said contract, deed, writing or conveyance.

SEC. 10. *Be it further enacted*, That George W. Trabue, George Rogers, Thomas Feland, Sylvanus M. Bagby, Franklin Gorin, Hayden T. Curd, James Murrell, Benjamin M. Crenshaw and Joel W. Depp, and their successors in office, shall be, and hereby constituted a body corporate, to be known and designated by the name and style of the trustees of the Glasgow female academy.

SEC. 11. *Be it further enacted*, That the corporation, by the name aforesaid, may sue and be sued, defend and be defended in all courts in this commonwealth, or elsewhere.

SEC. 12. *Be it further enacted*, That the corporation shall have power to acquire, and hold by purchase or devise, all such lands, tenements, hereditaments, money and property as the trustees thereof may, from time to time think proper to purchase, or such as may be given or devised, or bequeathed to the said corporation; and the same and all real and personal property owned by them, to dispose of by bargain and sale, or by any other mode of alienation at pleasure.

SEC. 13. *Be it further enacted*, That all estate, property, money and funds belonging to the corporation,

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Vacancies in the board, how supplied.

Mode in which the acts and deeds of the trustees shall be authenticated.

The trustees of Glasgow academy incorporated, and the style thereof.

May sue and be sued.

May purchase, hold and sell real and personal estate.

The funds of the institution

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to be applied exclusively to the use thereof, for the salaries of teachers, & buildings, &c.

shall be appropriated by the trustees thereof, exclusively for the use and benefit of the teachers and female scholars or pupils, who may be instructed from time to time, in the academy, to the exclusion of male scholars or pupils; that is, the estate, property, money and funds of the corporation, shall be used in such manner as the trustees may think fit, in paying such salaries to teachers and superintendants, in the different departments of the academy, whether their duties be literary or otherwise, as the trustees may stipulate or allow; and in the support, either partial or total, of such indigent female scholars, as the trustees may consider objects of charity, and who may be admitted free of charge; and in the construction of such building, whether houses for teachers, recitation rooms, refectories, dormitories and their appendages, as may be needful for the comfort and accommodation of the teachers, pupils, and all others who may be employed in aiding the objects of the institution, and in supplying the academy with apparatus and a library according to the next section.

May purchase a philosophical apparatus, &c.

SEC. 14. *Be it further enacted*, That it shall be lawful for the trustees, out of the estate, property, money and funds of the corporation, to purchase for the use of the academy, a complete philosophical apparatus, and all such instruments and tools, globes, maps and charts as may be necessary or useful in communicating or facilitating instruction in any science or art, and likewise a library.

Vacancies in the board, how to be filled, and what shall create a vacancy.

SEC. 15. *Be it further enacted*, That a majority of the trustees remaining in office, shall fill all vacancies which may happen by the death, resignation or removal of any trustee; removal from the county of Barren, shall be a forfeiture of office as trustee; refusal or failure to attend the meetings of the board of trustees, when notified by the president to do so, for one year, shall forfeit the office of the delinquent and a majority of the trustees remaining in office, may proceed to fill the vacancy. The site of the academy shall be within the limits of the town of Glasgow.

Academy to be located at Glasgow.

Five members to constitute a quorum.

SEC. 16. *Be it further enacted*, That the concurrence of any five of the trustees shall be sufficient to transact any business of the corporation. Five may therefore constitute a board.

Mode of authenticating the acts and deeds of the trustees.

SEC. 17. *Be it further enacted*, That it shall not be necessary for the corporation to procure a common seal. All its corporate acts may be manifested and

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made known by the signature and name of the president of the board of trustees of the Glasgow female academy, affixed to the document, contract or writing executed, or by some entry, minute or memorandum made on the records of the proceedings of the corporation. And all contracts, deeds, writings and conveyances made and entered into, in the name of the corporation, and signed by the president in his official capacity, in manner aforesaid, shall be as good and effectual in law, for the purposes designed by them, as if the corporation had a common seal, and the same was affixed in due form to the said contract, deed, writing or conveyance.

SEC. 18. *Be it further enacted*, That the trustees of the corporation shall keep a regular record of their proceedings, which shall be signed on each adjournment by their president. The trustees shall have power to appoint a treasurer and secretary, and make all needful rules, regulations and by-laws, for the government of the academy, teachers, superintendents, pupils and servants, which may be compatible with the laws and constitution of this state.

A record of their proceedings to be kept.

Trustees to appoint their officers.

May enact by-laws, &c.

SEC. 19. *Be it further enacted*, That the persons herein named as trustees, shall meet at such time and place in Glasgow, as they, or a majority of them, may designate, in the month of March or April next, and proceed to organize their board by the election of a president, the appointment of other officers, and the adoption of such by-laws as they may think proper. They may then provide for future meetings of the board, as they may think proper.

Appoint a president and provide for their future meetings

[Approved February 3, 1835.]

CHAP. 635.—AN ACT to amend an act, entitled an act to incorporate a Company to construct a Turnpike Road from Covington, through Williamstown and Georgetown, to Lexington, in Fayette County, approved February 22, 1834.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the company authorized to construct a turnpike road from Covington to Lexington, by the act to which this is an amendment, shall locate said road so as to pass by Florence, New Lancaster and Gaines' Cross roads in the county of Boone, Crittenden, in the county of Grant, and Peter Jones', in the county of Scott.

The points designated thro' which the road is to pass.

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The 27th section of the recited act repealed, &c.

SEC. 2. *Be it further enacted*, That the twenty-seventh section of the said recited act, shall be, and the same is hereby repealed, and that said company shall have, until the first day of May, 1836, to commence said road.

[Approved February 3, 1835.]

CHAP. 636.—AN ACT to extend the terms of the Green Circuit Court, and for other purposes.

The Green circuit court may sit 18 days in May and August, whenever five Mondays occur.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That whenever there shall be five Mondays in the months of May and August, the Green circuit court shall sit eighteen juridical days, if the business of the court shall require it.

A chancery term to be held annually in December.

SEC. 2. *Be it further enacted*, That there shall be held in the county of Green, a special chancery term for the trial of chancery causes, to commence on the first Monday in December in each year, and may sit six juridical days, if the business of the court shall require it.

A chancery term to be held in Barren county annually.

SEC. 3. *Be it further enacted*, That there shall be held in the county of Barren, a special chancery term for the trial of chancery causes, to commence on the last Monday in November in each year, and may sit six juridical days, if the business require it.

The terms of circuit court in said county extended.

SEC. 4. *Be it further enacted*, That hereafter, when there shall be five Mondays in the months of March, June and September, the Barren circuit court shall sit eighteen juridical days, if the business of the court shall require it.

The time of holding May term of Marion circuit court changed.

SEC. 5. *Be it further enacted*, That hereafter the May term of the Marion circuit court shall commence on the fourth Monday in April, and continue six juridical days, if the business of the court require it: *Provided*, That whenever there shall be five Mondays in the months of April and July, then, and in that case, the court shall continue twelve juridical days, if necessary.

The length of its sessions.

Time of holding the November term changed.

SEC. 6. *Be it further enacted*, That hereafter the November term of the Marion circuit court shall commence on the fourth Monday in November, and continue six juridical days, if the business of the court require it.

SEC. 7. *Be it further enacted*, That hereafter the county court of Marion shall sit on the first Monday in each month of the year.

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[Approved February 3, 1835.]

CHAP. 637.—AN ACT to amend an act, entitled an act to establish the Shelbyville Library Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act, the Shelbyville Library Company, instead of seven directors, shall, at their next annual meeting, elect only five, three of whom may constitute a quorum to do business; and their annual meeting for the election of officers, shall be held on the first Monday in March, 1835, and the directors thereafter elected, shall regulate the time and manner of holding their elections.

The number of directors reduced, and times for holding elections changed, &c.

[Approved February 3, 1835.]

CHAP. 638. AN ACT to establish an Election Precinct in the Town of Pleasureville, in Henry County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all that part of Henry county within the following boundary: beginning at the point where the line between Shelby and Henry crosses the road leading from Thos. F. Rees' to Shelbyville, thence with said line to a point nearest Bice's old mill on Six mile creek, thence by a straight line to John Moberley's tavern, thence with the road leading from Moberley's to New Castle, to where it crosses Drennon's creek, thence with said creek to Col. George P. Hill, thence to the beginning, shall be an election precinct, in which the elections shall be held at the house of Robert Greenwell, in the town of Pleasureville, under the same rules and regulations that the elections are held in the other precincts in said county.

Bounds of the precinct.

Place of voting therein.

[Approved February 3, 1835.]

CHAP. 639.—AN ACT for the benefit of Ann Thornton and her children.

Whereas, it is represented to the General Assembly, That Ann Thornton and her children, (some of whom

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are infants) and reside in the state of Illinois, are jointly possessed in their own right of a negro woman named Sarah, which they have become proprietors of by purchase, and not by descent; and living in the state of Illinois, cannot take said negro woman slave to said state and treat and consider her as such, and that a sale of said slave would redound to the benefit of said Ann Thornton and her said children; for remedy whereof,

Green circuit court authorized to decree the sale of a slave.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the guardian of the infant children of said Ann Thornton, in conjunction with the adult children of said Ann and herself to file their petition or bill in the Green circuit court, praying the said court to permit them to sell said negro woman slave, or any one or more of them may file their bill or petition in chancery for that purpose, and making the others defendants in proper manner, and bringing them before the court. And said court shall, if it shall appear that the sale of said slave would be to their advantage, order and direct the guardian of said infants and the adults to sell said slave for cash in hand to the highest bidder, or on such credit as may be deemed most likely to benefit those interested in the sale of said slave; or said court may appoint a commissioner to make said sale (if that shall be deemed most advisable,) who shall execute bond in the penalty of one thousand dollars, with good and sufficient security, to be approved of by said court, before he or they shall proceed to make sale of said slave, to said Ann Thornton and her children, conditioned to sell said slave for the best price he or they can obtain, on such terms as said court may direct, and to account to the persons entitled to said slave for their respective portions of the money arising from the sale whenever the same is received.

To appoint a commissioner.

To give bond and security.

Notice of the sale to be given

SEC. 2. *Be it further enacted*, That the person or persons selling said slave shall sell her on some county court day at the court house in Greensburg, having first given at least ten days notice in writing, of such sale.

[Approved February 3, 1835.]

CHAP. 640.—AN ACT to incorporate the Georgetown Female Academy.

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SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Job Stevenson, J. F. Robinson, R. M. Ewing, J. Humphreys, J. T. Johnson, M. Feris, William McDaniel, M. V. Thompson, B. B. Ford, Ben. Smith, Henry Johnson, M. W. Dickey, A. Hooper, William Johnson, Willa Viley, Henry Haun, Walter Birch, Joel Johnson, Hiram Stevenson and James Clark, shall be, and they are hereby constituted a body politic and corporate, designated and to be known by the name of the Trustees of the Georgetown Female Academy, and by that name shall have perpetual succession, and a common seal, with power to alter or change the same at their pleasure.

Names of the trustees, style of incorporation, and general powers.

SEC. 2. *Be it further enacted*, That the said Academy shall be located in the town of Georgetown, in Scott county, and the trustees shall hold their sessions in the said town, the first session to be held at such time and place as any three of the said trustees may designate.

The academy to be located in Georgetown.

SEC. 3. *Be it further enacted*, That the said trustees, or a majority of them, shall have power to elect a president of the said board, and such other officers as shall, in their opinion, be necessary or convenient to transact the business of the said body corporate, and also an agent or agents to collect and obtain funds and donations for the benefit of the said Academy. Not less than ——— members shall constitute a board to transact any business, and ——— members shall be necessary to form a quorum, or to sell, alienate or convey any real estate, or rents of any real estate, the property of said body corporate.

Trustees to elect their officers, agents, president, &c.

SEC. 4. *Be it further enacted*, That the said trustees or their successors, by the name aforesaid, shall be capable, and they are hereby empowered in law to purchase, receive and hold to them and their successors, for the use and benefit of the said Academy, any lands, tenements, rents, goods, chattels, books and philosophical apparatus, which shall be purchased by them, given or devised to them, for the use aforesaid.

What number to constitute a quorum, &c.

Authorized to purchase and hold lands, &c.

SEC. 5. *Be it further enacted*, That said trustees, by the name aforesaid, may sue and be sued, plead and be impleaded in any court of law or equity in this state, and they may, from time to time, make and establish such by-laws, rules, regulations and ordi-

May sue and be sued.

Adopt by-laws, &c. for their regulation.

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And fill all vacancies.

May elect tutors, professors, &c.

Meetings of trustees may be called.

None of the funds of the institution to be loaned to any member of the board.

nances, for the benefit and government of their institution, or appertaining to the same, as they may deem necessary or expedient, but not contrary to the constitution or laws of this commonwealth. And the board of trustees shall, by ballot, supply any vacancy, which may occur in their own body, or in that of the officers appointed by them, when by death, resignation or removal, any vacancy shall happen.

SEC. 6. *Be it further enacted,* That the faculty, tutors, matron, and all officers of the said Academy, shall be elected by the board of trustees, and shall be subject to the rules, &c. made and established by the said board, and shall continue in office during good behaviour. The president of the board of trustees shall, at any time, have power to call a meeting of said trustees to form a board, and when requested by the principal or president of the faculty, or by any three members of the board, it shall be his duty to call a meeting, and on his refusal or neglect so to do, any three members of the board may call a meeting, which call shall be imperative on all the members of the said board.

SEC. 7. *Be it further enacted,* That it is hereby expressly provided that no portion of the funds, which may be acquired by the said body corporate, by purchase, devise, legacy, gift or otherwise, nor any part of the profits, proceeds or interest of the property, real or personal, which may become the property of the said body corporate, for the use and benefit of the said Academy, shall be loaned to any member of the board, or in any manner, be so applied as to interest individually in the fiscal concerns of the board, any member thereof.

[Approved February 3, 1835.]

CHAP. 641.—AN ACT for the benefit of James C. Wilmore.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sum of nineteen dollars and fifty cents be, and the same is hereby appropriated for the benefit of James C. Wilmore, as compensation for his conveying William Cole, on a charge of felony, from Nicholasville, in Jessamine county, to the Lower Blue Licks, in Nicholas county, under a warrant issued from a justice of the peace of the county of Nicholas, and the auditor is hereby directed

to issue his warrant in favour of said Wilmore, or order, on the treasurer for said sum, which the treasurer is hereby directed to pay out of any moneys in the treasury, not otherwise appropriated.

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[Approved February 3, 1835.]

CHAP. 642.—AN ACT for the benefit of the Representatives of James Glenn, deceased.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the board of commissioners for the improvement of the navigation of Green river, is hereby authorized and directed to pay over to the legal representative or representatives of James Glenn, deceased, the sum of one thousand, seven hundred and thirty-three dollars and twenty-five cents, out of the money appropriated for the improvement of said river, it being the fifteen per centage withheld by said board, on the engineer's report of work done, and materials furnished by said Glenn, on his contracts with the commonwealth aforesaid, dated the 18th day of December, 1833, for the erection of lock and dam, number two, on said river.

[Approved February 3, 1835.]

CHAP. 643.—AN ACT concerning the office of Sheriff.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the second section of the act, entitled an act to amend the act, entitled an act to amend and reduce into one the several acts establishing a permanent revenue, approved December 19th, 1801, be, and the same is hereby repealed; and that no person, who shall hereafter serve as a commissioner of the tax, shall be capable of holding the office of sheriff, either as principal or deputy, during that year in which he shall have acted as commissioner.

No commissioner of the tax shall exercise the office of sheriff during the year he shall have acted as commissioner.

[Approved February 9, 1835.]

CHAP. 644.—AN ACT to change the place of voting in McGee's Precinct, in Christian County.

Whereas, it is represented to the present General Assembly, that the location of McGee's precinct in

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the southern part of Christian county, is inconvenient to the citizens of the surrounding country: and for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the place of voting in said election precinct shall hereafter be at the house of Robert C. Dunlap, in the village of Lafayette, and that it shall be the duty of the county court of Christian county, to appoint judges and a clerk of the election, who shall meet at the house of said Dunlap, in the village of Layfayette, and conduct the elections according to the laws of this commonwealth regulating elections.

[Approved February 9, 1835.]

CHAP. 645.—AN ACT to amend and reduce into one the several acts concerning the town of Glasgow.

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the free male inhabitants of the town of Glasgow, who shall have attained to the age of twenty-one years or upwards, and all other male persons, who have attained the aforesaid age, (negroes, mulattoes and indians excepted,) who own a town lot or lots in said town, to meet at the court house in said town, on the first Monday in January, in each and every year, and to elect five trustees for the said town; which trustees shall possess the qualifications hereafter mentioned, and a majority of them, so elected, shall be sufficient to constitute a board, who shall be, and they are hereby authorized to make such by-laws for the government and regulation of said town, as to them shall seem proper, not inconsistent with the constitution and laws of this commonwealth. The said trustees, or a majority of them, shall have full power and authority to impose a tax, annually, on any property, real or personal, and upon each white male person, twenty-one years old or upwards, within said town, as to them shall seem proper and just: *Provided,* That they shall not, in any one year, levy a tax upon property in said town, to exceed fifty cents upon each hundred dollars worth of property, nor levy any poll tax to exceed one dollar per head; the said tax so laid shall be by them appropriated for keeping the streets in good repair, within the town aforesaid, one half of

Trustees for said town to be elected annually—their qualifications, and who entitled to vote for trustees.

Authorized to enact by-laws.

To levy and collect taxes on the real and personal property and tithables in said town.

Proviso.

Taxes, how to be appropriated

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which sum so raised, together with one half of the fines imposed and collected, shall be expended each year in paving the streets of said town with stones, upon the McAdam's plan.

SEC. 2. *Be it further enacted*, That no person shall be elected a trustee, or qualified to act as such, unless he shall have attained to the age of twenty-four years, and shall reside within one mile of said town, and be the fee simple owner of real property in the said town; and the trustees so elected shall have power to regulate the market of said town, and inflict a fine not exceeding five dollars for each and every breach of their by-laws, to be sued for in the name of the commonwealth, and recovered before any justice of the peace.

Who may be elected as a trustee.

Trustees authorized to regulate market.

SEC. 3. *Be it further enacted*, That the clerk of the board of trustees shall, each and every year, on the first Monday in January, hold an election for five trustees; and it shall be his duty, within three days thereafter, to deliver, or cause to be delivered to each of the trustees so elected, a certificate of his election, under his hand and seal, and he shall record the names of those persons so elected, on the record book of the trustees of the town of Glasgow; and the said trustees, elected as aforesaid, before they act as such, shall take the following oath, to be administered by any justice of the peace: "You do swear (or affirm, as the case may be,) that you will, well and truly, discharge the duties of a trustee of the town of Glasgow, and that you will, so far as comes within your knowledge, cause all persons to be proceeded against, who violate any of the by-laws or ordinances of the said town of Glasgow, without favor, partiality or affection."

Town clerk to hold the election for trustees annually, and his duty in relation thereto.

Trustees to take an oath of office.

SEC. 4. *Be it further enacted*, That the said trustees shall, on the first Saturday after their election, meet at some convenient place in said town, and at such other times and places as they may think necessary for the internal policy of said town, and the said trustees, or a majority of them, at their first meeting, shall appoint a clerk, who shall hold his office until the next annual election, but for good cause may be removed; and the clerk so appointed, before he enters upon the duties of his office, shall take an oath, to be administered by either of the trustees, that he will, to the best of his skill and ability, make true entries of the proceedings of the said board of trustees, and that he will safely keep the books and papers given him in

Trustees, when to meet.

To appoint a clerk.

Clerk to take oath of office.

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To be noted on the record.

Authorized to administer oaths, issue subpoenas, &c.

Process, by whom to be executed.

Penalty on a witness failing to attend when summoned.

And on the officer for failing to execute the process.

Compensation to be made to the clerk.

The certificate of election and oath of the trustees to be recorded.

Trustees to appoint a president and treasurer.

Treasurer to give bond and security.

His duties and liabilities.

May be proceeded against for a failure in his duty.

charge, and shall moreover acknowledge himself responsible to said board of trustees and their successors, for any neglect or malfeasance in office; an entry thereof shall be entered on the record book of said board, and the clerk of the said board is hereby authorized to administer an oath to any person who may come before the said board to give testimony; and is hereby also authorized to issue a subpoena or subpoenas, on the application of either of the trustees, for any witness, whose testimony may be deemed necessary, in any matter of controversy depending before said board, which subpoena may be directed to any sheriff or constable of the county where such witness may reside, whose duty it shall be to execute and return the same; and if any witness so summoned, shall fail to attend the said board, he or she shall be fined in any sum not exceeding five dollars by said board, unless good cause is shown for such failure, he or she having been first summoned to show cause; and if any sheriff or constable, who shall receive any subpoena, shall fail to execute and return the same, he shall be fined in any sum not exceeding fifteen dollars, unless he can show good cause why the same was not executed and returned, having been first summoned for that purpose. And the said board are authorized to make their clerk such compensation for his services, as they may deem reasonable, not to exceed two dollars for twelve hours, to be paid out of any money which may be collected under this act.

SEC. 5. *Be it further enacted*, That the said board, at their first meeting, shall cause their clerk to enter on their record book the certificate of the justice of the peace, that they have taken the oath required by this act, and also the certificate of their election. They shall also, at their first meeting, choose a president of the board, who shall hold his office until the next annual election; they shall also appoint one of their body a treasurer, who shall, before he enters upon his duties, give bond and approved security, payable to the president of the board and his successors, in the penalty of five hundred dollars, conditioned for the faithful discharge of his duties as treasurer; and the said treasurer shall receive from the collector of the tax, and from the sergeant of the town of Glasgow, all moneys collected by them for town tax or fines, and shall pay the same over to the order of the board; and upon his failing or refusing to do so, the president may

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cause an application to be made to the county court of Barren, to render a judgment against said treasurer and his security or securities, for the amount of money in his hands, and the said county court is authorized, upon ten days' notice having been given to said treasurer and his securities, to enter a judgment against them for the amount of money which shall appear in the said treasurer's hands, with thirty per cent thereon, damages and costs of the motion, and execution shall issue on said judgment forthwith, endorsed, that no security of any kind shall be taken.

SEC. 6. *Be it further enacted*, That the board of trustees aforesaid, shall also, at their first meeting, appoint a town sergeant, whose duty it shall be to see that no person violates any of the ordinances or by-laws of the town of Glasgow, and he shall, for every infraction of any of said ordinances or by-laws, cause the offender or offenders to be proceeded against immediately; and it shall be his duty, whenever from information given to him that any of the by-laws have been violated, diligently to inquire into the same, and if he finds the information correct, he shall forthwith proceed against the offender or offenders; and he shall, before he enters upon the duties of his office, take an oath before one of the board, that he will faithfully discharge all the duties of town sergeant, to the best of his skill and ability, without favor or affection, and the said board of trustees shall make him such compensation for his services as they shall deem right and proper, and he shall hold his office for one year.

SEC. 7. *Be it further enacted*, That the said board of trustees may, and they are hereby authorized, at their first meeting, to appoint a commissioner, for the purpose of obtaining a list of each individual's property, both real and personal, and a list of each person subject to capitation tax within said town; which commissioner, before he enters on the duties of his office, shall take an oath, to be administered by one of the trustees, that he will, to the best of his skill and ability, without favor or affection, discharge the duties enjoined on him, that is, that he will, immediately and without delay, call on each person, who is subject to capitation tax, and upon each person, whose property may be subject to taxation under this act, for a written list of his or her property, and such as he or she may superintend for the real owner, which list being read over by the said commissioner to the person delivering the

Trustees to appoint a town sergeant. His duties prescribed.

To take an oath of office.

Compensation to be made him

A commissioner of tax to be appointed. His duties prescribed.

To take oath of office.

To value the property and to administer oath to the owner.

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Penalty on persons failing or refusing, or giving in a fraudulent list of property.

His duties in assessing and listing property for taxation.

Appeals may be taken from his valuation.

Compensation.

Trustees may appoint a collector of taxes.

His duty.

Clerk to deliver him a list of taxes, &c.

May distrain for taxes, and make sale of the property of the delinquent, or real estate, if there is not a sufficiency of personal.

same, he or she shall make oath or affirmation, to be administered by said commissioner, to the truth of the same, and the said commissioner shall value the property so listed, and note the valuation thereof in said list, and any person or persons, who shall hold property in his, her or their own right, or as agent for another, shall refuse to give a list thereof, or shall give a false or fraudulent list, shall be fined by the said board in any sum not exceeding ten dollars, to be appropriated in the manner herein before directed; and the said commissioner, in taking in said list, shall number in the list which he returns, the number of all the town lots given in, and if there should be any town lot which has not been given in, he shall also list it or them, and affix a value on it or them, and if the owner or owners are not known, he shall state it in his lists, and the said commissioner shall make a return of the said list of taxable property to the said board, or some member thereof, within three months after his appointment to take such list, under the penalty of fifty dollars: *Provided, however,* That any person, that may think himself aggrieved by the valuation of such commissioner, may appeal to the board of trustees at their next meeting, who, if they see cause, may reduce such valuation. The said board shall make such compensation to said commissioner as they shall deem reasonable, for his services.

SEC. 8. *Be it further enacted,* That the said trustees shall, immediately after the aforesaid commissioner has returned his list of taxable property, proceed to levy and lay a tax on the polls and property contained in said list, and appoint a collector of the same, whose duty it shall be to collect and account for, and pay over the same to the treasurer of the board, within three months after a list thereof shall be put into his hands, deducting therefrom such compensation, as the board of trustees shall agree to allow him, not exceeding five per cent on the amount collected; and it shall be the duty of the clerk to deliver such list to the collector, and if any person shall refuse or fail to pay his or her part of said tax, agreeably to said list, the same being duly demanded, provided, said person is an inhabitant of Barren county, the collector is hereby authorized to seize and sell so much of his or her personal property, as will be sufficient to pay the tax of such delinquent, by him or her due and unpaid; but in case any such delinquent shall not own and possess any personal estate, or a sufficiency thereof to pay his or her taxes, and is the owner of real property in said town,

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the said commissioner is hereby empowered and authorized to seize such real property, and after advertising the same, upon the court house door in the town of Glasgow, at least ten days, expose as much thereof as shall be sufficient to pay the tax or taxes due by such delinquent; and whenever the said collector shall sell any real property as aforesaid, he shall certify the same to the board of trustees, who shall cause the same to be entered upon their record book, and if the owner of said real property, his, her or their heirs do not redeem the same in two years, by paying to the purchaser the amount of the purchase money, with ten per cent interest thereon, the said trustees shall convey said lot or lots, or part of lot to said purchaser, and their deed shall be good and effectual against the delinquent owner: *Provided, however,* That the said collector, before he shall proceed to the said collection, shall give bond and security to the said trustees, to be approved of by the said president of the board, in the sum of double the amount to be collected, conditioned for the due and faithful discharge of the duties of his office, and should the collector fail to comply therewith, the said trustees shall move the county court of Barren, to render judgment against the said collector and his security or securities, for the amount of money in his hands, together with thirty per cent damages thereon, and costs of said motion, and said county court shall give judgment against the said collector and his security or securities, for the amount of money in the hands of said collector, together with thirty per cent damages thereon, and the cost of the motion: *Provided, however,* Before the said court shall render judgment aforesaid, the said collector and his securities shall have ten days' notice of said motion.

SEC. 9. *Be it further enacted,* That on the death, resignation or removal of any of said trustees or their successors, the remainder of the said trustees shall have power to appoint other persons to fill such vacancy, and they shall, under their hands and seals, certify to the county court of Barren, the names of the persons by them so appointed, which certificate shall be recorded by the clerk of the said court.

SEC. 10. *Be it further enacted,* That the town sergeant, in collecting fines under this act, shall be governed by the same rules and regulations under which money is collected by virtue of any writ of *fiery facias*: *Provided, nevertheless,* That no person, on whom a fine

But subject to be redeemed within 2 years by the owner or his heir.

The trustees to make deeds to the purchaser, if the lots are not redeemed.

Collector to give an official bond.

How to be proceeded against upon a failure, or neglect of duty.

Proviso.

Trustees may fill vacancies in their board.

To certify the same to county court for record

Town sergeant, how to be governed in the collection of fines.

Proviso.

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Further proviso

shall be imposed under this act, shall have a right to replevin: *Provided, further*, That nothing in this section shall be construed to permit a *capias pro fine* from issuing against any person, who may be found guilty of a violation of any of the by-laws or ordinances of the town of Glasgow, but in all cases where fines may hereafter be recovered under the by-laws or ordinances of the town of Glasgow, or under the general laws concerning towns, the justice of the peace, before whom the same may be recovered, may issue the *capias pro fine*, for the collection and coercion of the same, and be governed by the general laws now in force in relation to the *capias pro fine*, in other cases.

Trustees may
remove nuisances,
&c.

SEC. 11. *Be it further enacted*, That said trustees shall have power to remove nuisances within the limits, and one-fourth of a mile from said town, and whenever they shall be of the opinion, that any out house, not being a dwelling house, will endanger the health of the town, they may cause the same to be removed at the cost of the owner.

Authorized to
purchase, hold,
and keep en-
closed a bury-
ing ground, &c.

SEC. 12. *Be it further enacted*, That the said trustees are hereby authorized to hold and possess, within one mile of the town, any quantity of land, for the purpose of burying ground for the use of the town, which they have, or may hereafter purchase, not exceeding six acres, and the payment of the same, out of the funds of the town, shall be good and valid, and they shall improve and keep the same always enclosed, with a good and substantial fence, and exercise the same authority over such ground as were it situated in the town; and the title to such ground so purchased, shall vest in the said trustees and their successors forever, and shall be exempt from taxation, and the said trustees and their successors shall always and forever keep the grave yard in town enclosed with a good and substantial fence.

Inhabitants ex-
empted from
working on the
streets.

SEC. 13. *Be it further enacted*, That no inhabitant of said town shall hereafter be required to labour on the streets of said town.

Trustees may
cause streets &
side-walks to
be paved.

SEC. 14. *Be it further enacted*, That the owners of ground, lying around the public square in said town, or any street that the trustees shall pave with rock upon the McAdam's plan, shall each respectively pave the side walk with brick, with good stone curbing, any width not exceeding twelve feet, that the trustees may direct by ordinance, opposite their respective lots, and the trustees of said town are hereby author-

ized to cause said paving to be done by the owners of such property; and in case any such owner shall, after the lapse of one month after notice in writing to do such pavement shall be served upon him or them by said trustees, fail to execute such pavement, it shall and may be lawful for said trustees to cause the same to be done; and the said trustees shall, after giving ten days' notice upon the court house door, sell said lot, or so much thereof as will be sufficient to pay for making said pavement, and upon the purchaser paying the purchase money, the said trustees shall convey said lot, or so much thereof as was sold to the purchaser, and their conveyance shall be good and effectual against all persons.

SEC. 15. *Be it further enacted*, That when the owner of any such lot is not a citizen of Barren county, said trustees shall give his, her or their agent, or the tenant in possession, notice as aforesaid, and if there is no person in possession, and the person has no agent in the county aforesaid, then the said trustees shall give notice upon the court house door at least one month, requiring the owner to cause such paving to be done, and after the lapse of one month from such notice, either to the agent, tenant in possession, or public notice upon the court house door, the owner of the lot shall fail to cause such paving to be executed, as is directed in the fourteenth section hereof, it shall be lawful for said trustees to cause the same to be done at the cost of the owner, and to sell and convey the lot, as is provided in the aforesaid fourteenth section.

SEC. 16. *Be it further enacted*, That the said trustees shall have power and authority to remove any stable or other house, not being a dwelling house, from off the public square in said town; and the said trustees shall have power and authority to suppress any grocery or grog shop in said town, and prevent grocery or tavern keepers, or any person on their behalf, from selling spirituous liquors to negroes on Sunday, and if any individual shall presume to continue to keep such grocery or grog shop, after notice in writing to such person or persons that the same is suppressed, such individual or individuals shall be liable to a fine of five dollars for every day he, she or they shall continue thereafter to keep such grocery or grog shop, which fine may be recovered by said trustees, in their name, before any justice of the peace, and shall be applied as other fines.

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And authorized to sell the lots of the owners who refuse to pay therefor, and make conveyances thereof.

Regulations as to paving, &c. where the owner is a non-resident of Barren county.

Trustees may cause houses to be removed off public square.

To suppress groceries or doggeries.

And fine the owners thereof for failing to discontinue them.

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No person permitted to own more than ten hogs in said town.

May be fined for a violation of this section.

Proviso.

The trustees to cause streets to be kept clear of wood.

Penalty for obstructing streets with wood.

May impose a fine on theatrical and other exhibitions.

Trustees may be presented & fined for failing to have this act and by-laws of said town observed.

SEC. 17. *Be it further enacted*, That no individual in said town, unless he is a housekeeper, shall own or possess any hogs, and no person in said town, being a housekeeper, shall, at any one time, own and permit more than ten hogs, directly or indirectly, to be in said town, under the penalty of having the same taken and sold by the said trustees, and the proceeds applied to the improving the streets; and when information shall be given to the trustees aforesaid, they shall summon the owner to appear before them, and after a reasonable notice is served on said owner, whether he appear or not, they shall hear the evidence, and if they are satisfied that this section is violated, they shall direct the town sergeant to sell said hogs for cash in hand, and the purchaser shall be vested with the title to said hogs: *Provided, however*, That any citizen of said town shall have the right to keep as many hogs as he pleases, if he will keep them up within his own enclosure.

SEC. 18. *Be it further enacted*, That the trustees of said town shall cause the citizens of said town to keep their wood from off the public square, and from off the streets of said town, and when any person shall have wood lying on said public square, or in the streets of said town, (not put there to be used in building of any house,) the trustees shall give him, her or them, notice to remove the same immediately, and upon the failure of such person or persons to remove such wood within twelve hours, they shall be fined by said trustees five dollars for such offence, to be recovered by said trustees, in their name, before any justice of the peace, which fine shall be applied as other fines.

SEC. 19. *Be it further enacted*, That said trustees shall have power to make ordinances or by-laws, imposing fines on any theatrical company, that may perform any play or farce within the limits of said town; they shall also have power to impose fines upon all exhibitions of animals, or other shows or exhibitions, that are showed, exhibited or played for money or property, within one half mile of Glasgow.

SEC. 20. *Be it further enacted*, That if the said trustees of the town of Glasgow, or their successors, shall knowingly or wilfully fail or refuse to see this act, and the ordinances and by-laws of the town of Glasgow, carried into operation, they shall each of them be liable to a presentment by the grand jury of Barren

county, and shall be fined in any sum not less than twenty, nor more than fifty dollars.

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SEC. 21. *Be it further enacted*, That the trustees of the town of Glasgow, and their successors in office, are hereby authorized and empowered to make titles to all such lots, within the limits of said town, where titles have not heretofore been made.

May make deeds for lots not heretofore conveyed.

SEC. 22. *Be it further enacted*, That all acts, or parts of acts, that come within the purview of this act, are hereby repealed.

Repealing clause.

SEC. 23. *Be it further enacted*, That the trustees of the town of Glasgow shall, on the first Monday in May next, appoint some fit and proper person, surveyor of the town of Glasgow, who shall, before he enters upon the duties of his office, take an oath before the clerk of the board of trustees, that he will faithfully discharge the duties of surveyor of the town of Glasgow, and whose duty it shall be to survey any lot or lots in said town, whenever called upon by any person or the said trustees; and the said surveyor shall receive such fees or compensation as the trustees of said town shall determine on.

A surveyor of the town to be appointed.

To take an oath of office.

His duty, &c.

And whereas there are doubts, whether the trustees of the town of Glasgow should be elected in January in each year, and whereas the citizens of said town have been in the habit of electing their trustees in the month of January.

Recital.

SEC. 24. *Be it further enacted*, That the acts of the said trustees, which may have been elected in January, are hereby legalized, except so far as said acts may have violated the constitution of this state, or the laws thereof.

Acts of the former trustees legalised.

SEC. 25. That the trustees of said town shall have power to tax the property of those residing within one half a mile of the court house, who may have a store, grocery, office, or shop of business in said town, the same as if said persons resided in said town.

The trustees may impose a tax on persons residing within half a mile, who own store, &c. in said town.

[Approved February 9, 1835.]

CHAP. 646.—AN ACT to continue in force and to amend the act incorporating the Maysville Insurance Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the act entitled an act incorporating the Maysville insurance company, approved February 22, 1834, be, and the same is

Act of 1834 incorporating said company continued in force.

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The commis-
sioners author-
ized to open
subscriptions
for stock.

hereby declared to be, and continue in full force in the same manner as if the notice required by the third section of the act aforesaid had been given; and the said Richard Collins, William Hodge, William Huston, jr. John M. Morton, Christian Shultz, John B. McIlvaine and Robert J. Langhorn, or any two of them, be, and they are hereby authorised, at any time within six months after the passage of this act, to give notice in one or more newspapers printed in the city of Maysville, of the time and place of opening the books for the subscription of stock; and they shall, in all respects, proceed thereafter, as in said act is directed.

Books may be
opened for the
subscription of
additional
stock.

Notice thereof
to be given.

SEC. 2. *Be it further enacted*, That after the said corporation shall have been in operation, by the election of a directory, for the term of six months, it shall be lawful for the said president and directors of the Maysville insurance company to increase the capital stock of said company one hundred thousand dollars, or as much less as the said directory may deem proper; and the said president shall, previous to the opening of books for the subscription or sale of such additional stock, give notice in one or more of the newspapers printed in the city of Maysville, of the time of opening said books.

[Approved February 9, 1835.]

CHAP. 647.—AN ACT for the benefit of Mary Ann Parish.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That John Parish, father of Mary Ann Parish, who is an infant under the age of twenty-one years, and devisee of William Parish, deceased, be, and he is hereby authorized to file his petition in the Todd circuit court, setting out and stating in said petition, and swearing to the same, that said William Parish, deceased, at the time of his death, was joint owner with his father, Benjamin Parish, of a small tract of land near Elkton, Todd county, Kentucky, on the Elk fork of Red river, supposed to contain about nine acres, including a large brick house and cotton spinning factory, being the same conveyed to said William and Benjamin Parish by William Greenfield, by deed of record in the Todd county court clerk's office; and that said William Parish, by his last will and testament, which has been

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since his death, duly proven and recorded in the clerk's office of the Todd county court, devised the same or all his interest therein to said Mary Ann Parish, said John Parish shall make said Benjamin Parish and Mary Ann Parish, infant as aforesaid, parties to said petition, and shall further state therein that he verily believes, that it will be an advantage to said Mary Ann, and redound to her interest to have said land, &c. or her interest therein sold to the highest bidder, on such terms, in such manner and on such a credit as said circuit court may direct; and thereupon the said circuit court may decree the same to be sold and appoint a commissioner for that purpose, to sell and convey the same, and pay over the proceeds of said sale to said John Parish, provided, that said circuit court, before rendering the decree aforesaid, shall require said John Parish to enter into bond with good and sufficient security, in said court executed and payable to said Mary Ann Parish, in the penalty of two thousand dollars, conditioned, that he will well and truly pay over to said Mary Ann when she arrives at the age of twenty-one years, the whole of the proceeds of said sale with all interest that may accrue thereon.

[Approved February 9, 1835.]

CHAP. 648.—AN ACT for the benefit of the heirs of Thomas Wilcoxon, deceased.

Whereas, it is represented to the general assembly of the commonwealth of Kentucky, that Thomas Wilcoxon, of Barren county, died intestate, leaving a wife and six small children, and that he was the owner of 100 acres of land in Barren county, and that he was entitled to five parts out of — parts in another tract of 100 acres adjoining the said 100 acres which last tract was devised by the father of said Thomas to himself and brothers and sisters, and that the remainder of the said last tract, belongs entirely to infants: therefore,

Recital.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That William Nevill, the administrator of the said Thomas Wilcoxon, and the guardian of the infant heirs of the said Thomas, deceased, is authorized to file a petition in the Barren circuit court, making the heirs of the father of the

The administrator & guardian may file his petition for a sale of the land.

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said Thomas, deceased, defendants, and alleging the circumstances and condition of the estate, and praying a sale of the 100 acres of land, and the five shares in the other 100 acres of land.

And the Barren circuit court authorized to decree a sale of the same upon certain conditions.

SEC. 2. *Be it further enacted*, That said petition shall be subject to the same proceedings that are had in like cases in chancery; and if the said court on hearing of said petition, shall be of opinion that it is necessary to make sale of said land, it shall decree such sale to be made by the administrator, on such credit and in such manner as shall be directed in the decree, and shall require said administrator to enter into bond to the heirs of said Thomas Wilcoxon, in open court, to be filed in the office of said court with ample security to account for the same, to the said heirs; and said administrator and guardian shall report his proceedings to said court, and settle his accounts whenever required by said court; said court shall also decree such title to be made by said administrator to the purchaser of said land, and at such time as it may deem proper.

[Approved February 9, 1835.]

CHAP. 649.—AN ACT to incorporate Van Doren's College for Young Ladies.

Preamble.

Whereas, Mr. Van Dorep has procured a suitable building in the city of Lexington, Fayette county, Kentucky, and therein established an institution of the highest order, for the education of young ladies, and at his own private expense, has furnished the same with the necessary apparatus and appendages for conducting such an institution; and whereas, the said Van Doren purposes the coming spring to open a teacher's department in the above institution, for the important object of qualifying female teachers for the west; and whereas, the founder of the above institution proposes to give it such a character and to leave it in such a situation, that it may have a continuance and perpetuity long after he is removed from the stage of action; and whereas, the legislature are well satisfied of the great importance of correct and thorough female education, and of its most intimate connection with the intelligence, prosperity and virtue of any people; and whereas, the legislature consider it their duty to encourage all such laudable efforts in behalf

of an advancement in female education, and the proper training up of female teachers for the alarming destitutions of the Mississippi valley: therefore,

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SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That J. Livingston Van Doren, Isaac Vap Doren, L. H. Van Doren, George Robertson, F. L. Turner, J. E. Davis, John McCalla, A. K. Woolley, R. Curd, Benj. Gratz, Charles Caldwell; Charles S. Short, L. P. Yandell, Wm. A. Leavy, N. H. Hall, R. T. Davidson, John Lutz, S. V. Marshall, and Charles Wallace, shall be, and hereby are, constituted a body corporate and politic, by the name of The President and Board of Examination and Visitation of Van Doren's College for Young Ladies, and by that name they shall have perpetual succession, and shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and suits whatever, and may have a common seal, with power to change or alter the same, from time to time, and shall be capable of purchasing, taking possession of, holding and enjoying to them and their successors any real estate in fee simple or otherwise, and any goods, chattels and personal estate, and of selling, leasing or otherwise disposing of the said real or personal estate, or any part thereof, at their will and pleasure. *Provided, however*, That the funds of the said corporation shall be used for, and appropriated to, the objects contemplated in this act: *And, provided also*, That the clear annual income of such real and personal estate shall not exceed the sum of twenty thousand dollars.

Trustees of the college incorporated.

Corporate powers.

Proviso.

SEC. 2. *Be it further enacted*, That the said board of examination and visitation shall, from time to time, forever hereafter, have power to determine the extent of the course of study and intellectual discipline to be adopted in said college, provided that it be so extensive as to confer upon young ladies, an education corresponding to that given to young gentlemen in our colleges; also, that the said board shall determine the course of study to be pursued by ladies who are qualifying themselves for instructresses; also, that the said board shall conduct the public examinations of the college, and determine the claims of the respective candidates for the honors of the institution, which shall be the following: 1. Mistress of Polite Literature—M. P. L.; 2. Mistress of Music—M. M.; 3.

Course of study.

Honors may be conferred.

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Mistress of Instruction—M. I. Also, that the said board shall be empowered to examine candidates for the office of instructresses, and upon satisfactory evidence of such qualifications, shall present the candidates with a diploma to that effect; also, that the said board shall have power to confer the honors of this college on ladies of distinguished literary attainments in any other part of the Union.

SEC. 3. *Be it further enacted,* That the president and vice president of the college shall be, *ex officio*, the president and vice president of the board of examination and visitation, and shall preside in all their meetings.

SEC. 4. *Be it further enacted,* That the president and board shall have the power of filling all vacancies that may occur in the board, the appointment of all such new members having previously been made by the president; also that the officers of said college shall consist of a president, one vice president, two professors, and such a number of adjunct professors and assistants as the board may, from time to time, appoint or authorize the appointment of; also, that whenever any vacancy or vacancies may occur in the faculty of the college, such vacancy or vacancies may be filled by a quorum of the board.

SEC. 5. *Be it further enacted,* That the president and board of said college shall hold their annual meeting on the last Wednesday in September, or such other time as shall be hereafter otherwise determined by the president and the board; at which meeting, or all other special meetings of the board to be called by the president, at any time after the passing of this act, four members of the board shall constitute a quorum, provided, a written notice of such meeting, signed by the president, or by the vice president, shall be left at the dwelling house, or place of residence of each member of the board, three days previous to such special meeting.

SEC. 6. *Be it further enacted,* That the board of examination and visitors shall have the power of purchasing the college and all its appertenuances, at any time agreed upon between themselves and the proprietor or proprietors of the college, and at such a valuation as may meet the views of both parties: *Provided,* The general assembly reserves to itself the power at any time to modify or repeal this act.

[Approved February 11, 1835.]

CHAP. 650.—AN ACT to incorporate a company to make a turnpike road through Lebanon, Greensburg, Glasgow and Scottville to the State line, in a direction to Gallatin.

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SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company shall be, and the same is hereby formed; for the purpose of making a road from the town of Danville through Lebanon, Greensburg, Glasgow, Scottville, to the State line, in a direction to Gallatin, under the name and style of the Kentucky and Green river turnpike road company.

A company incorporated to construct said road.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be five hundred thousand dollars, divided into shares of one hundred dollars each.

Amount of capital stock.

SEC. 3. *Be it further enacted*, That books for the subscription of stock in said company shall be opened on the first day of May next, at Frankfort, Lexington, Danville, Lebanon, Greensburg, Glasgow, and Scottville, under the direction of the commissioners hereinafter named; that is, at Frankfort, under the direction of Jacob Swigert, Peter Dudley and Mason Brown; at Lexington, under the direction of Richard Higgins, Thomas E. Boswell and Spencer Cooper; at Danville, under the direction of Charles Caldwell, Joseph M^d Dowell and Thomas Downton; at Lebanon, under the direction of Jas. Fleece, Richard Spalding and Nicholas Ray; at Greensburg, under the direction of John Barret, William Porter and Aylett H. Buckner; at Glasgow, under the direction of Willis A. Bush, Wilson Ritter and George Rogers; and at Scottville, under the direction of David Walker, Willis Mitchell, and Drury Burton. The commissioners named at each of the before named places, shall procure one or more books, and in each of them, enter as follows: "We, whose names are hereunto subscribed, do promise to pay to the president, managers and company, of the Kentucky and Green river road company, the sum of one hundred dollars for every share of stock in the said company set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers of said company, and agreeably to an act of assembly of the commonwealth of Kentucky incorporating said company. Witness our hands this — day of — The said commissioners shall give, in one or more of the public newspapers, printed in Lexington, one month's previous notice of the times and places at which books will be

Books for subscription of the stock to be opened at Danville, Frankfort, Lexington, Lebanon, Greensburg, Glasgow, and Scottville.

Form of subscription to the stock.

Notice of the time and place of receiving the subscriptions to be given.

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Who permitted to subscribe

The books, how long to be kept open, &c.

Calls on the stock.

Notice to be given of a general meeting to elect president and directors, &c.

Created a body politic and corporate, and the style thereof.

With power to hold stock, &c. To enlarge the capital stock.

To hold, purchase and sell land.

opened to receive subscriptions for stock in said company, at which times and places, some one or more of the commissioners above named, at each place, shall attend, and permit all persons of lawful age, bodies politic or corporate, who shall offer to subscribe in said books in their own names, or that of any other person who shall duly authorize the same, for any number of shares in the said stock. The said books shall be kept open for the purpose aforesaid, by adjournment from place to place, and from time to time, until the whole number of shares shall be subscribed, of which adjournments the said commissioners shall give such notices as the occasion may require: *Provided*, That the president and directors of said company, shall not have power to call in more of said stock than ten dollars on each share in any sixty days.

SEC. 4. *Be it further enacted*, That whenever two hundred and fifty shares of said stock shall have been taken, the commissioners shall give thirty days notice, in one or more of the newspapers, printed at Lexington, that the number of shares required by the act of incorporation to organize the company, have been subscribed, and that an election will be held at Danville, Lebanon, Greensburg or Glasgow (as the commissioners may determine) to choose by a majority of the votes of the subscribers by ballot, to be delivered in person or by proxy, duly authorized, a president, ten managers, a treasurer, and such other officers as they may think necessary to conduct the business of said company for one year, or until other such officers shall be elected.

SEC. 5. *Be it further enacted*, That when the company shall be thus organized, they shall be, and are hereby declared, a body politic and corporate, in deed and in law, by the name, style and title, of the president, managers and company of the Kentucky and Green river turnpike road company, and by the said name, the said subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding the said capital stock, and the increase and profits thereof, and of enlarging the same from time to time, by new subscriptions, in such manner and form, as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act, and of purchasing, taking, and holding to them and their successors and assigns; and also, of selling, transfer-

ring and conveying, in fee simple, all such lands, tenements and hereditaments, and estate real and personal, as shall be necessary to them in the prosecution of their works; and suing and being sued, impleading and being impleaded, answering and being answered, defending and being defended, in courts of record, or any other place whatsoever; and also, to make, have, and use, a common seal, and the same to break, alter and renew, at pleasure; to make such by-laws and regulations, not inconsistent with the laws and constitution of this commonwealth and of the United States, as shall be necessary for the well ordering the affairs of said company, and to do all and every other matter and thing which a corporation or body politic may lawfully do.

SEC. 6. *Be it further enacted*, That the whole width of said road shall be fifty feet, the graded part whereof, shall be at all places, when the ground will admit of it, at least thirty feet in width, and the artificial or M'Adamized part thereof, shall be covered with pounded stone, nine inches thick, and not less than twelve nor more than eighteen feet in width.

SEC. 7. *Be it further enacted*, That all the provisions from the fifth to the twenty-eighth section, inclusive, of an act to incorporate a company to establish a turnpike road from the city of Louisville, by the mouth of Salt river, Elizabethtown, Munfordsville and Bowlinggreen, to the state line, in the direction to Nashville, approved February 2, 1833, except so far as is already provided for in this act, or may come in collision with the provisions of the same, and so far as the same are applicable to the object and intent hereof, be, and they are hereby adopted and enacted, as a part of this act; and all rules for the government of said corporation, from the fifth to the twenty-eighth section of said recited act, not inconsistent herewith, are hereby adopted for the regulation and government of the Kentucky and Green river turnpike road company, except, that the elevation of said road when graded, shall not exceed two and a half degrees; and that persons shall not be exempt from toll when passing and repassing on said road to worship, except on Sundays.

[Approved February 11, 1835.]

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To sue and be sued.

To enact by-laws, &c.

The plan on which the road is to be constructed.

Provisions of another charter applied to this act.

Grade of the road.

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CHAP. 651.—AN ACT allowing additional constables to certain counties.

An additional constable allowed to Oldham county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there shall be allowed to the county of Oldham, one additional constable.

One to Cumberland.

SEC. 2. *Be it further enacted*, That there shall be allowed to the county of Cumberland, one additional constable, who shall reside in the bounds of Captain Montfort's company.

One to Fleming.

SEC. 3. *Be it further enacted*, That there shall be an additional constable in the county of Fleming, to reside in the neighborhood of Truman Day, Esq.

[Approved February 11, 1835.]

CHAP. 652.—AN ACT to amend an act, entitled an act to enlarge the boundaries of Georgetown, and for other purposes, approved Feb. 22, 1834.

Chairman and trustees may pass by-laws and ordinances

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the chairman and trustees of the town of Georgetown, who have been, or may hereafter be elected and qualified according to law, shall have and possess all the powers and authority which were vested in the trustees of the said town, at the time of the passage of the act to which this is an amendment, either by the general laws of this commonwealth, or any particular law in relation to said town, then in force; and that said chairman and trustees of the town of Georgetown, shall be, and they are hereby invested with full power and authority, to pass and enact all such by-laws and ordinances, with adequate penalties to enforce the same, as they shall from time to time deem expedient for the government of said town, not contrary to the laws and constitution of this state, and of the United States.

Six trustees may form a quorum and elect chairman.

SEC. 2. *Be it further enacted*, That in the absence of the chairman of said board, any six of said trustees shall form a sufficient quorum to do business, who may elect one of their own body chairman for the time being.

Chairman vested with original and concurrent jurisdiction with justices of the peace

SEC. 3. *Be it further enacted*, That the chairman of said board, in his judicial capacity, in addition to the powers already given him by law, shall have exclusive original jurisdiction in all cases, for the violation of any of the by-laws or ordinances of said town of

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Georgetown; and civil and criminal jurisdiction in and over all cases of which, by the laws of this state, any justice of the peace, within the county of Scott now has, or may hereafter have jurisdiction. He shall also have, and is hereby invested with all the powers of which any two justices of the peace within said county of Scott now have, or may hereafter have, as a court of enquiry, or for the examination, commitment and sending on for further trial, criminal offenders; and for the due and efficient exercise of the powers herein, and hereby, and heretofore vested in him, he shall have full power, and it shall be lawful for him to award all such process and issue all such writs as may be necessary to enforce the laws and ordinances of said town, and for the full and lawful exercise of the jurisdiction hereby given, agreeably to the usages and principles of law: *Provided, however,* That in all civil cases tried or determined by said chairman, the same right of appeal shall exist, and is hereby given to either party feeling him or herself aggrieved thereby, to the Scott county or Scott circuit court, in the same manner, upon the same terms and restrictions, and subject to the same limitations and restrictions as he or she might or would be entitled to, if said case had been tried or determined before any justice of the peace for Scott county; and any appeal taken or prosecuted under the provisions of this act, shall be prosecuted, tried and determined, in every particular, in the court to which the same may be taken, as if the same had been taken and prosecuted from the decision or judgment of any justice of the peace in Scott county.

SEC. 4. *Be it further enacted,* That the chairman of said board of trustees shall have power and authority to take depositions in said town, in all cases where, by law, any justice of the peace is authorized to take the same: and, also, he shall have power and authority in said town to administer and certify oaths in all cases where a justice of the peace is now authorized to administer and certify an oath: *Provided, however,* That said chairman, for the performance of said duties and the exercise of such powers as come within the jurisdiction of justices of the peace of Scott county, shall be entitled to demand and receive the same fees and no more, as are or shall be allowed by law to justices of the peace in similar cases and for similar services, except where they are differently provided for by law; and he shall have the right to issue fee bills and

Chairman to have a concurrent jurisdiction of magistrates in civil and criminal cases.

Proviso.

Appeal may be taken from the judgment of the chairman to the county or circuit court.

Chairman may take depositions and certify oaths.

Proviso.

To receive the same fees as justices, and issue fee bills.

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collect them in like manner as justices of the peace now have.

Chairman to have the same power in criminal cases that justices of the peace have.

SEC. 5. *Be it further enacted*, That the chairman of said board, in all cases where he may, as a court of enquiry, be engaged in the examination or trial of any criminal offender, whom, under the laws of the case, he shall send on for further trial to the Scott circuit court, he shall, if a bailable offence, take a recognizance, with security from the party so charged, for his appearance in the Scott circuit court, as also, a recognizance from the witnesses of the commonwealth, as also a statement of their evidence, in the same manner and according to the same laws and regulations, and make the same return thereof, as justices of the peace are now authorized to take and return in similar cases.

Shall keep a record of his proceedings, & certify copies.

SEC. 6. *Be it further enacted*, That the chairman of said board shall keep a record of his proceedings in his judicial capacity; exemplifications, and copies of which record certified from under the hand of said chairman, shall, in all cases in this commonwealth be taken and received as evidence, wherein said original record itself would be legal evidence.

Suits for breach of by-laws, now instituted.

SEC. 7. *Be it further enacted*, That all, and every suit or prosecution for the enforcement of any of the by-laws or ordinances of said chairman and board of trustees, or for the recovery of any penalty or fine for a violation of any of the by-laws or ordinances of said chairman and board of trustees, shall be instituted and prosecuted in the name of the commonwealth of Kentucky for the benefit of the town of Georgetown, and all process in such cases, original or mesne or final, shall issue accordingly.

The law taking lien of land and slaves repealed.

SEC. 8. *Be it further enacted*, That so much of the act to which this is an amendment, as directs the chairman of the board of trustees aforesaid, to take a lien on the lands and slaves of any of the officers and their securities appointed by said chairman and board; as also, all and every part of said act which gives any lien upon any estate of any of the officers or their securities, be, and the same are hereby repealed.

Marshal to execute bond.

SEC. 9. *Be it further enacted*, That the marshal of said town shall, in addition to the bond required to be executed by him, under the act to which this is an amendment, execute bond, with approved security, in an adequate penalty, to be fixed and approved by said chairman and board of trustees; which said bond shall be executed before said chairman and board, and de-

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posited with them, payable to the commonwealth of Kentucky, conditioned faithfully to discharge the duties of his office, and to pay over all sums of money which may come to his hands, to the person or persons entitled thereto, agreeably to law. The said marshal and his securities shall be liable to judgment by suit or motion in the Scott circuit court, in favor of any person or persons entitled to moneys collected by him, in like manner, and under like penalties, and by similar proceedings as sheriffs are now liable. The said marshal and his securities, shall be liable to be moved against, before the chairman of said board, for every failure on his part to pay over money collected, or return process placed in his hands to execute, in the same manner, and by similar proceeding as constables are now liable to be moved against for like defalcations before justices of the peace and in the circuit court, and in all cases, he shall be liable to similar penalties and damages, for failure or neglect, or refusal of duties, as constables are now liable to; and judgment shall be given against him and his securities accordingly. The said marshal and his securities, shall not be entitled to any replevy upon any judgment rendered against him or them, for money by him collected, or for any failure, neglect or refusal of the said marshal to discharge his duty in any case.

Marshal may be sued for failing to pay over money collected.

May be moved against before the chairman of the board of trustees.

Shall not be entitled to any replevin.

SEC. 10. *Be it further enacted*, That all process issued by the chairman of said board to be executed within the county of Scott, shall be directed to and executed by the said marshal, in the same manner and under like penalties as constables and sheriffs are authorized and required to execute similar process; but in any case in which the marshal may be interested, the process issued by said chairman shall be directed to and executed by any constable of Scott county, in the same manner and under like restrictions as constables are required to execute similar process from a justice of the peace. In all cases in which it shall be lawful and necessary for said chairman to send any process beyond the limits of Scott county, it shall be lawful for him to direct said process to any constable of the county in which it is to be sent—who shall execute and return the same, in the same manner and under like restrictions as constables are required to execute similar process from justices of the peace.

Process to be directed to the marshal.

Process to be executed out of Scott county, to be directed to any constable of another county.

SEC. 11. *Be it further enacted*, That so much of the act to which this is an amendment, as requires that any of the officers appointed by the chairman and trustees

Citizenship of it officers repealed.

1835

aforesaid to have been citizens of the town of Georgetown, for at least six months next preceeding their appointment to office, shall be, and the same is hereby repealed: *Provided, however,* That each and every of said officers shall, at the time of their appointment, be citizens of said town, and so continue, during their continuance in office.

Chairman and trustees may cause streets & alleys to be paved by the owners of lots fronting on the same.

The cost to be charged to the owners of lots fronting on said streets or alleys, and listed for collection.

Marshal may sell for same.

Owners of lots to have time to redeem.

May cause the side walks to be paved, & a lien given on the lots for the cost.

SEC. 12. *Be it further enacted,* That the chairman and trustees shall have full power and authority to cause and procure all the streets and alleys in said town, now established, or hereafter to be established, to be paved or turnpiked at the cost and expense of the lot owner, fronting such streets or alleys, and petition in writing, of the owner or owners of a greater part of the ground fronting on any square, shall be sufficient to authorize an order or contract for the paving or turnpiking the street or alleys in such square: *Provided, however,* That the chairman and trustees, by their unanimous consent at any meeting, may order and cause any street or alley or any part thereof, in any square of said town, to be paved or turnpiked at the cost and expense of the owner of lots or parts of lots fronting such streets or alleys, or the part thereof directed to be paved without any petition or consent; and when the paving or turnpiking shall be completed, they shall apportion the costs and expenses equally upon the lot holders, and a lien is hereby given upon the lots or parts of lots for the same, which costs and expenses may be listed and collected as other taxes, by the marshal of the town, and who shall have authority to sell and convey the lots or parts of lots for the same, under the by-laws and regulations of the chairman and board of trustees: *Provided, however,* That the owner, of any lot or part of lot sold for paving or turnpiking, who has not consented in writing for that purpose, shall have three years to redeem the same, by paying to the purchaser thereof, the purchase money, with ten per centum interest per annum thereon, with all the taxes and costs which may have subsequently accrued thereon: *Provided, also,* That infants shall have one year after arriving at full age, on like terms.

SEC. 13. *Be it further enacted,* That the chairman and trustees aforesaid, shall have power and authority to cause and procure the side walks in any part of said town to be paved with stone or brick, and to apportion the costs and expenses on the owners of lots fronting thereon; and a lien is hereby given on said lots for

the same; and the chairman and trustees aforesaid, shall have the like authority and power to cause and procure the streets and alleys now established, or hereafter to be established in said town, to be filled, curbed and graduated, for the purpose of carrying off the water, or preparatory for paving or turnpiking at the cost and expense of the lot owners fronting on the same; and a lien is hereby given on the lots or parts of lots, for such cost and expense; and the cost and expense accruing under the provisions of this section, shall be listed and collected in like manner, as that for paving and turnpiking, and the marshal shall have the like authority to sell and convey the same, as is provided for in the previous section, and subject to redemption in one year from the day of sale, and in case of infants, in one year after their arrival at full age, by paying ten per centum per annum interest thereon, with all taxes and costs due thereon.

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Cost of paving may be listed and collected by the marshal.

Marshal may sell and convey —and time of redemption.

Sec. 14. *Be it further enacted*, That so much of the act to which this is an amendment, as gives to the chairman and trustees aforesaid, power and authority to condemn or have condemned for public use, or to declare or establish as free for public use, any of the private springs or mills in said town, be and the same is hereby repealed.

Power to condemn property repealed.

Sec. 15. *Be it further enacted*, That so much of Scott county, as is contained in the following boundary, shall be the town of Georgetown, viz: beginning at a point known as the beginning of the boundary of said town, at the head of the Republican spring, thence due south to a stone on the line between the lands of William B. Keene and the heirs of William Rogers, dec'd., thence east to the south east corner of the lot belonging to Rankins and Berry, thence north with their line to a stone at the south west corner of the out lots of Georgetown, thence east to the south east corner of Henry Johnson's out lot, thence north to the north west corner of Tarlton's and Connett's lot, thence east and north with the dividing line between the said Tarlton and Connett and the lands of Stevenson to the present Lemmon's mill road, thence with the north line of said road to the east boundary of Georgetown, thence north with the boundary of said town to the north east corner of the out lot of said town, thence west with the old line to the north west corner of the out lots of said town, near the house of Reason V. Sowards, at a stone on Mrs. Clark's line, thence

Boundary of Georgetown.

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with the line of Mrs. Clark north and west with the meanders of the line of her lot passing the north corner thereof to the paper mill lot belonging to William H. Richardson, thence north with the line of his lot to the north west corner, thence west with his line to the mouth of the Republican spring branch, thence south with the dividing line between Benjamin Smith and said Richardson, to the spring branch to the south east corner of said Smith's land, thence up the middle of the said branch to the middle of the head, thence around with the head of the spring to the beginning point of the Republican spring, and as such, shall be governed by the chairman and board of trustees, under the laws thereof. This act shall be in force from and after the passage thereof.

[Approved February 11, 1835.]

CHAP. 653.—AN ACT for the benefit of John Jones.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between John Jones and Penelope, his wife, is hereby dissolved, and the said John Jones restored to all the rights and privileges of a single man.

[Approved February 11, 1835.]

CHAP. 654.—AN ACT for the benefit of the Hopkins and Union Academies.

Fines and forfeitures of the county of Hopkins appropriated to the use of academy of said county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the fines and forfeitures of Hopkins county, be, and the same are hereby appropriated to the use and benefit of said Hopkins academy; and that the present trustees of said academy shall have power, a majority of those in commission being present, to direct the appropriation of the fines and forfeitures aforesaid.

And to be paid over to trustees of the academy or their agent.

SEC. 2. *Be it further enacted,* That the magistrates and clerk of said county shall, whenever called on by the trustees aforesaid, or their authorized agent, furnish, upon oath, a written statement of all the fines or forfeitures inflicted before them or their court, stating therein, into whose hands they are lodged for collection, and any sheriff or constable who

shall collect any fines or forfeitures inflicted or adjudged in said county, except militia fines, is hereby ordered and directed to pay over the same, with the exception aforesaid, to the said trustees or their agent, and upon such sheriff or constable failing or refusing to pay over such fines and forfeitures, the same shall be liable to be proceeded against, in the same manner, and subject to the same penalties which are provided against officers failing and refusing to pay money collected for individuals.

SEC. 3. *Be it further enacted*, That the fines and forfeitures of the county of Union, be, and the same are hereby appropriated to the use and benefit of the seminary of said county, and that the trustees of said seminary shall have power, a majority being present, and concurring therein, to appropriate the fines and forfeitures aforesaid.

SEC. 4. *Be it further enacted*, That the magistrates and clerk of said county, whenever called on by the trustees of said seminary, or their agent, furnish, upon oath, a written statement of all the fines or forfeitures inflicted before them, or their court, stating therein into whose hands they have been placed for collection; and any officer who shall collect any fines or forfeitures in said county, except militia fines, is hereby directed and ordered to pay over the same to said trustees or their agent, and upon such officer failing or refusing to pay over such fines and forfeitures, such officer so failing or refusing, shall be liable to be proceeded against in the same manner, and subject to the same penalties, as such officer would be subject or liable to, for failing or refusing to pay over money collected for individuals.

[Approved February 11, 1835.]

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Officers may be proceeded against for a failure.

The fines and forfeitures in Union county appropriated to the seminary in said county.

The justices and clerk to make returns of the fines, &c. inflicted.

Collecting officers to pay the same over to the trustees. And on failure thereof, may be sued therefor, and recovered.

CHAP. 655.—AN ACT authorizing the County Court of Graves County, to convey to John Anderson and Matthias Travis, one quarter section of land each, for their services in locating the Seminary Lands of said County.

It appearing that the county court of Graves have agreed to convey to their commissioners, John Anderson and Matthias Travis, one quarter each of the lands entered by said court, by virtue of an act appropriating a portion of the vacant lands in the district of country west of the Tennessee river, for the purposes of education, approved January 30th, 1834, as

Recital.

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a compensation to them for their services in selecting said lands; the said court not being able to compensate them in money, owing to a large debt which the county is owing: therefore,

County court
authorized to
convey to them
a quarter sec-
tion of land
each.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county court of Graves shall convey to the said John Anderson and Matthias Travis, one quarter section of land each, for the services aforesaid, the same being such quarter as the said Anderson and Travis shall elect to take.

[Approved February 11, 1835.]

CHAP. 656.—AN ACT to amend the several acts to suppress the practice of Duelling.

The oath to be
administered
as of the 9th
day of Janua-
ry, 1835.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter, in administering the oath directed by the several acts of the General Assembly, more effectually to suppress the practice of duelling, the oath shall be from the ninth day of January, one thousand eight hundred and thirty-five, instead of the first day of January, 1834.

[Approved February 11, 1835.]

CHAP. 657.—AN ACT for the benefit of Nancy Whelan.

Recital.

Whereas, it is represented to the General Assembly of the Commonwealth of Kentucky, that Nancy Whelan, one of the children of Bartholmew Whelan, deceased, is both deaf and dumb, and is incapable of understanding any thing by either word or sign; that said decedent, at the time of his death, owned two small tracts of land, containing in all 205 acres, out of which 68 acres have been allotted to his widow as her dower, and the balance has been divided among his children, eight in number; that said Nancy's portion thereof, amounts to sixteen acres besides her reversionary interest in said dower tract, and that it would greatly redound to her advantage, to sell her interest in said land, and vest the proceeds thereof in a trustee or trustees for her use: therefore,

Circuit court
authorized to
decree a sale
of land, &c.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the next friend of the said Nancy Whelan to apply by petition to the circuit court of the county in

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which she resides, setting forth in such petition, and suggesting that, in the opinion of such next friend, a sale of her interest in said tract of land would redound to her advantage, and that in his opinion, the proceeds of said sale ought to be vested in a trustee or trustees for her use, and supported by an affidavit of the petitioner of the truth of the facts therein set forth; whereupon it shall be the duty of the court to appoint three commissioners, any two of whom shall be empowered and directed to ascertain and report to the court, the particular amount and value of her estate, both real and personal; whereupon the court may proceed to make an order directing a sale of the interest of said Nancy Whelan, in said tracts of land, including the said sixteen acres so allotted to her in said division, and also her reversionary in said dower tract, to be made by a commissioner, to be appointed by the court; and upon such reasonable credit as the court may prescribe, such commissioner making such sale taking bond with good security, to be approved of by the court, for the payment of the purchase money to said Nancy Whelan; and it shall be the duty of the commissioner, from time to time, as required by the order of the court, to make a written report of his proceedings, and the court shall have full power and authority, upon the application of such next friend, to order the proceeds of said sale to be vested in a trustee or trustees, for the use and benefit of said Nancy.

SEC. 2. *Be it further enacted*, That a conveyance by deed of bargain and sale be made to the purchaser, by the commissioner appointed to make said sale in the name and on behalf of said Nancy Whelan, which conveyance shall invest such purchaser with all the right, title, interest and claim, at law, as well as in equity, which she had in the premises at the time of such sale.

SEC. 3. *Be it further enacted*, That no order shall be made vesting the proceeds of such sale in a trustee or trustees, until such trustee or trustees shall execute a bond or bonds to said Nancy Whelan, with good and sufficient security, to be approved of by the court, and in such penalty as the court shall direct, conditioned to discharge faithfully, all the duties imposed on him or them, by this act, or by any order of the court in pursuance thereof; which bond or bonds shall be deposited for safe keeping with the clerk of said court; and it shall be the duty of such trustee or

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trustees, from time to time, as required by order of the court, to make a written report of his or their actings and doings; and the court shall have full power and authority, from time to time, upon the application of the next friend of said Nancy Whelan, to order the proceeds of such sale to be disposed of and appropriated in such manner as may be most consistent with her interest and welfare.

[Approved February 11, 1835.]

CHAP. 658.—AN ACT to repeal in part an act, entitled an act for building a Bridge across Main Licking, at Claysville.

Whereas, the eighth section of an act, entitled an act for building a bridge across Main Licking, at Claysville, approved February 22, 1834, has been inconvenient: therefore,

The 8th section
of recited act
repealed.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That said eighth section of said recited act, be and the same is hereby repealed.

Time limited
for commencing
the work.

SEC. 2. *Be it further enacted*, That the building of said bridge shall be commenced within six years from the passage of said act.

[Approved February 11, 1835.]

CHAP. 659.—AN ACT to appropriate vacant Lands in the County of Muhlenburg, to build a Bridge across Pond River.

Commissioners
appointed
to build bridge
across the Pond
river.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Joseph Loving, of Hopkins county, and Sanders Eaves, of Muhlenburg county, be, and they are hereby appointed commissioners for the purpose of building a bridge across Pond river, at or near Dodge's ford, on or near the road from Greenville to Madisonville, who shall take an oath faithfully to discharge the duties required of them by this act, and enter into bond, with approved security, in a penalty not less than one thousand dollars, in the said Muhlenburg county court, conditioned for the true and faithful performance of the trust reposed in them by this act.

To take oath,
and give bond
and security.
Condition of
the bond.

SEC. 2. *Be it further enacted*, That the register of the land office be, and he is hereby authorized and required to issue two hundred and fifty dollars worth of land warrants, in the name of said commissioners,

The register to
issue to commissioners
for that object 250

to be located on any unappropriated lands lying within the bounds of said county of Muhlenburg, and the register of the land office is hereby required to receive the plats and certificates, and issue patents without fee thereon.

SEC. 3. *Be it further enacted,* That said commissioners may assign said warrants, or they may, in their discretion, cause the same, or any part thereof, to be surveyed and carried into grant, and then sell and convey the same, and apply the proceeds to the purpose aforesaid.

SEC. 4. *Be it further enacted,* That said bridge shall be built at least eight feet above high water mark, and without any pillar or post to obstruct the navigation, within the bed of said stream.

SEC. 5. *Be it further enacted,* That in case either of said commissioners shall fail or refuse to qualify and give bond, as required by this act, the county court of the county where he resides, shall appoint some fit person to act in his place, who, by qualifying and entering into bond as required by this act, shall be a commissioner to fill said vacancy.

Whereas, by the fifth section of an act, approved February the twenty-second, eighteen hundred and thirty-four, entitled "an act appropriating some of the vacant lands in certain counties, for the improvement of their roads," there was appropriated to the county court of Hopkins county, five hundred dollars worth of land warrants, to be applied by said county court in repairing and keeping in repair two bridges across Main Pond river, and whereas one of those bridges has since washed away: therefore,

SEC. 6. *Be it further enacted,* That it shall be the duty of the county court of Hopkins county to appropriate one half of the land warrants, or proceeds thereof, which were donated to the county court of Hopkins county, by the provisions of the fifth section of the above recited act, in rebuilding said bridge; and it shall be the duty of the county court of Hopkins and Muhlenburg counties, to allow the commissioners hereby appointed a reasonable compensation for their services.

SEC. 7. *Be it further enacted,* That the land warrants shall be charged by the register, at the rate of five dollars per hundred acres, and shall not be sold for less than that sum by said commissioners.

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dollars of land warrants, to be located in said county.

Commissioners authorized to assign or sell the warrants.

Height of the bridge, and the plan thereof.

County court may appoint a commissioner in case those appointed fail to qualify, &c.

Recital.

Hopkins county court authorized to apply the proceeds of certain land warrants to rebuilding bridge.

The warrants not to be sold for less than \$5 per 100 acres.

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CHAP. 660.—AN ACT regulating the Fines and Forfeitures of Marion County.

Fines and forfeitures accruing in said co. appropriated to lessening the county levy, and to be paid over to clerk.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all fines and forfeitures now accruing, or which may accrue between the passage of this act and the first day of January, 1840, in the county of Marion, be, and they are hereby appropriated to lessening the levy of said county, and that all officers, who may hereafter (during the above named period,) collect any such fines and forfeitures, under the laws of this commonwealth, they may, and are hereby directed to pay the same over to the clerk of said county court at their October term, in open court, in each year.

SEC. 2. *Be it further enacted,* That it shall be the duty of the members of said court, to appropriate such fines and forfeitures to the reduction of the levy of said county, all laws to the contrary notwithstanding: *Provided,* That nothing contained in this act, shall be construed into a repeal of the act, entitled an act to amend the law prohibiting the importation of slaves into this state, approved February 2, 1833.

[Approved February 11, 1835.]

CHAP. 661.—AN ACT to authorize the County Courts to increase the pay to Patrollers in Woodford, Henry and Oldham Counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the county courts of Woodford, Henry and Oldham counties, if said courts shall deem it expedient, to allow hereafter an additional compensation to patrollers in said counties, to-wit: the sum of one dollar and fifty cents to captains of patrol, and the sum of one dollar to every assistant patrol, for every twelve hours they shall be actually engaged in the duties of their office; said compensation to be paid out of the county levy.

[Approved February 11, 1835.]

CHAP. 662.—AN ACT for the benefit of Steele and Lamm.

Recital.

Whereas, it is represented to the present General Assembly, that Garvin Steele and William Lamm have made a valuable discovery for the improvement of navigable streams by slack water, and they being

desirous to obtain water power from the Kentucky river, and also submit said discovery to the test: wherefore,

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SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Garvin Steele and William Lamm be, and they are hereby authorized to erect such dams and locks on the Kentucky river, as they may desire, at Mill Point, near the mouth of Jessamine creek, subject to the restrictions herein-after mentioned.

The applicants authorized to erect dams & locks on Kentucky river.

SEC. 2. *Be it further enacted,* That said Steele and Lamm, or either of them, shall, before commencing the erection of said dam and locks, enter into bond, with approved security, before the county court of Jessamine county, in the penalty of one thousand dollars, conditioned that if said dams and locks, or any part thereof, shall, in any wise, injure or obstruct the navigation of the Kentucky river, they, or either of the parties so entering into bond, will remove all such obstructions, and leave said river in as good condition as it was before said work was made.

To enter into bond with security previous thereto.

Condition thereof.

SEC. 3. *Be it further enacted,* That it shall be the duty of the clerk of the county court of Jessamine county to file the bond as aforesaid in his office.

Bond to be filed in clerk's office

SEC. 4. *Be it further enacted,* That whenever information shall be given to the circuit court for said Jessamine county, alleging that said dam is an obstruction to the navigation of said Kentucky river, the court shall order a jury, and permit the examination of such testimony as may be pertinent to the case, and upon the verdict of the jury against said defendants, the clerk shall enter up judgment against said defendants for the penalty of the bond aforesaid, together with costs of presentment, upon which execution shall issue as in other cases.

Bond may be sued on, if the dam, &c. prove obstructions to the navigation, and a recovery had for the penalty.

[Approved February 11, 1835.]

CHAP. 663.—AN ACT for the benefit of Martha Ann Harriss.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract, heretofore existing between Martha Ann Harriss and Joseph Harriss, is hereby dissolved, and said Martha Ann be, and she is hereby restored to all the rights and privileges of a *feme sole*.

[Approved February 11, 1835.]

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CHAP. 564.—AN ACT to authorize the erection of a School House in the Town of Crab Orchard.

Fines and forfeitures accruing in said town appropriated to building school house therein.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the fines and forfeitures of the county of Lincoln, hereafter assessed within the limits of the town of Crab Orchard, be, and the same are hereby appropriated to aid in building and completing a school house in said town, for the use and benefit of the citizens of said town and neighborhood.

Trustees of the town to appropriate the money to that object.

SEC. 2. *Be it further enacted*, That the present trustees of the town of Crab Orchard, and their successors in office, shall have full power, (a majority of those in office being present,) to direct the appropriation of the fines and forfeitures aforesaid, in building and completing such a school house, as in their opinion may be most advantageous for the public good.

[Approved February 11, 1835.]

CHAP. 665.—AN ACT for the benefit of Amanda M. Rankin.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract, heretofore existing between Amanda M. Rankin and John W. Rankin, her husband, so far as the said Amanda is bound thereby, be, and the same is hereby dissolved, and the said Amanda be entitled to all the rights and privileges of an unmarried woman, and that she assume her former name, Amanda M. Lodwick.

[Approved February 11, 1835.]

CHAP. 666.—AN ACT to repeal the law declaring Eagle Creek a navigable stream, from Sanders' lower Mills to its Mouth, approved January 16, 1829.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the act declaring Eagle creek, from Sanders' mills to its mouth, a navigable stream, approved January 16, 1829, be, and the same is hereby repealed.

[Approved February 11, 1835.]

CHAP. 667.—AN ACT for the benefit of Daniel B. Dorser.

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Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Daniel B. Dorser be, and he is hereby released from the liabilities to which he is subjected, by his wife having been divorced from him in the Jefferson circuit court, and that said Daniel be restored to all the rights and privileges of an unmarried man.

[Approved February 14, 1835.]

CHAP. 668.—AN ACT authorizing the sale of a portion of the real estate of Samuel Blankenbecker, deceased, to pay his debts.

Whereas Samuel Blankenbecker, late of Jefferson county, by his last will and testament, in order to pay his debts, devised a portion of his real estate, being a lot of ground, No. 133, in the plat and parcel of the city of Louisville, called Preston's enlargement, on Jefferson and Hancock streets; and that portion of said lot directed to be sold, is so situated, that it has no outlet or front, except a narrow alley, and if sold, would not bring a sufficient sum to pay the debts due by said estate. The executor and widow of said Samuel Blankenbecker, have petitioned the legislature for power and authority to sell, in connection with the parcel devised to be sold, a portion of the lot devised to William Frederick Blankenbecker, infant son of said Samuel, so as to front upon Hancock street the parcel to be sold:

SEC. 1. *Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall and may be lawful for said executor and widow of Samuel Blankenbecker, and the guardian appointed, or to be appointed, of the said William Frederick Blankenbecker, by their petition, to apply to the Jefferson circuit court, for authority to sell said lot of ground in the manner above described, or in such other form, as will best promote the interest of the devisee and creditors of said estate; in which petition, they shall state all the facts upon oath, the value, as near as they are able to state it, of the whole real and personal estate of said decedent, and the amount of the debts owing by him and unpaid; and the said court, upon the presentation of said petition thus verified upon oath, if they shall be of opinion that the sale of any portion of the lot devised to the infant, in conjunction with the

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part devised to be sold, will redound to the benefit of the infant, and is necessary to pay the debts of said Samuel Blankenbecker, to order said sale to be made for cash, or upon a credit, as shall seem to said court best.

SEC. 2. *Be it further enacted*, That before the estate shall be sold, it shall be the duty of said court to take from the executor a bond, with good security, payable to the commonwealth, conditioned for the faithful application of the funds to the payment of the debts due by said Blankenbecker, which bond shall be filed in the papers of the suit, and may be sued upon, for a breach thereof, at the instance of any creditor or the devisee: the said executor, upon the execution of such bond, and the rendering of such decree by the court, shall have full power and authority to sell and convey so much of said lot, as, in the opinion of the court, will be necessary to pay the debts of said estate, and shall make his return to court of the sale, amount of sales, and the application of the funds, at such times as he may be required to do so, by the order and decree of said court.

[Approved February 14, 1835.]

CHAP. 669.—AN ACT authorizing the sale of certain estate belonging to Charles J. Riddle, La Fayette Riddle and Mary Jane Riddle, infant children of Lewis Riddle, deceased.

Whereas, it is represented to the General Assembly of the Commonwealth of Kentucky, that it would conduce to the interest of Charles J. Riddle, La Fayette Riddle and Mary Jane Riddle, infant children of Lewis Riddle, deceased, to sell a certain lot or piece of ground lying in the town of Burlington, in Boone county:

SEC. 1. *Be it therefore enacted by the General Assembly aforesaid*; That it shall and may be lawful for Charles Chambers and John Piatt, the executors of the last will of said Lewis Riddle, and testamentary guardian of said infant children of said Lewis Riddle, to file their petition in the Boone circuit court, praying a sale of the said lot or piece of ground, which lies on Washington street, in said town of Burlington, fronting forty-eight feet on said street, and running back one hundred and thirty-two feet, being part of the original lots, No. 11 and 12, in said town, and lying adjoining

and immediately west of the property now owned and occupied by Willis Calvert in said town; which petition shall state the reasons why such sale is thought to be to the interest of said children, and shall be sworn to by said Chambers and Piatt.

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SEC. 2. *Be it further enacted*, That said court shall appoint three commissioners to value said lot, who being sworn, and after viewing the same, shall report to said court the value of said lot; and said lot shall not be sold for a less sum than the valuation put on it by said commissioners; and at the term succeeding the one to which said commissioners shall make report as aforesaid, the said circuit court may proceed to decree a sale of said lot to be made by said guardians, on such credit as may be thought most advantageous to the interest of said children, if in the opinion of said court, it will really redound to the interest of said children, under all the circumstances of the case, to decree a sale of said lot.

SEC. 3. *Be it further enacted*, That before a decree is rendered for a sale of said lot, the said Chambers and Piatt, or whoever may at the time be guardians of the said children, shall execute a bond to the Commonwealth of Kentucky, in double the sum reported as the value of said lot, with good and sufficient security, conditioned for the faithful performance of their duty, as guardians of said children, in the management and safe keeping of the money arising from the sale of said lot; and the said circuit court shall have power to bring them to a settlement of their accounts, in relation to said sale money, as often as said court may deem it expedient to do so.

SEC. 4. *Be it further enacted*, That said guardians, who may sell said lot, shall convey the same to the purchaser or purchasers, in behalf of said children, whenever said purchase money is fully paid up, which conveyance, when made, shall vest in said purchaser or purchasers all the right, title or interest of said children in said lot.

[Approved February 14, 1835.]

CHAP. 670.—AN ACT to establish an Election Precinct in Shelby County.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all that part of Shelby County, Bounds of the precinct.

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by county, included in the following boundary, to-wit: beginning at the lower end of the Shelby county line, on Floyd's Fork, opposite the mouth of Flat Rock creek, in Oldham county, thence with the said Shelby county line to a branch of Long Run, near Wallace's tanyard, in Jefferson county, thence on a straight line to the plantation of Levi Collins, including his dwelling house, thence on a straight line to Ellis' store on the Eakin's road, thence on a straight line, so as to strike Floyd's Fork at the west end of William Stower's plantation on said creek, and thence down the same to the beginning, shall be, and is hereby made an election precinct in Shelby county.

Place of voting
therein.

Sec. 2. *Be it further enacted*, That the elections in said precinct shall be held at the tavern of George Hudson, on the Eakin's road, under the same rules and regulations as all other general elections are held and conducted in said county: *Provided, however*, That it shall be lawful for the voters in the bounds of said precinct, to vote at Simpsonsville, or at the court house of said county, if any of them should think proper to do so, but subject to the penalties prescribed by law, for the offence of voting more than once at the same election.

[Approved February 14, 1835.]

CHAP. 671.—AN ACT for the benefit of Daniel Smith.

Whereas, it is represented to the present General Assembly, that Daniel Smith and John Littlejohn, both agents for the heirs of Levi Duffey, deceased, have, by mistake, both paid taxes on five thousand, five hundred dollars value of land, lying in the counties of Logan and Warren, for the years 1831 and 1833, amounting to three dollars and forty-four cents for each year, and that said Littlejohn paid fifty and one hundred per cent interest on the tax of 1831; amounting in the aggregate to twelve dollars and four cents: for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the auditor of public accounts is hereby required to issue his warrant upon the treasurer for the sum of twelve dollars and four cents, in favor of Daniel Smith; and it shall be the duty of the treasurer to pay said sum out of any moneys, in commonwealth's bank paper, remaining in the

treasury, and not otherwise appropriated, whenever said warrant shall be presented for payment.

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[Approved February 14, 1835.]

CHAP. 672.—AN ACT incorporating the Green River Female Academy.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Thompson M. Ewing, Whitmil Fort, William M. Lansdale, Thomas A. Anderson, Finis E. McLain, Nincan E. Gray and Francis M. Bristow, and their successors in office, shall be, and are hereby constituted a body corporate, to be known and designated by the name and style of the Trustees of the Green River Female Academy. The corporation, by the name aforesaid, may sue and be sued, defend and be defended, in all courts in this commonwealth, or elsewhere.

Trustees incorporated, and style thereof.

General powers.

SEC. 2. *Be it further enacted*, That the corporation shall have power to acquire and hold, by purchase, devise, or otherwise, all such lands, tenements and hereditaments, money and property, as the trustees thereof may, from time to time, think proper to purchase, or such as may be given or devised, or bequeathed to the said corporation; and the same, and all real and personal estate or property owned by them, to dispose of, by bargain and sale, or by any other mode of alienation, at pleasure.

Authorized to hold, possess, and sell real & personal estate.

SEC. 3. *Be it further enacted*, That the real and personal estate, business, property, funds and prudential concerns of said academy, and the administration of its affairs, shall be under the direction, management and control of a board of seven trustees, who shall be stockholders at the time of their election, and residents of this state, and citizens of the United States; they shall be elected annually on the first Monday in October, by the stockholders, at such time of the day, and at such place in the town of Elkton, in Todd county, Kentucky, as the trustees, for the time being, may prescribe; they shall hold their offices for the term of one year, and until their successors shall be chosen: and notice of such election shall be published, in writing, at the court house door in Elkton, at least twenty days next preceding the same, and shall be by ballot and plurality of votes, to be counted after all the bal-

The concerns thereof to be under the control of trustees.

Trustees to be elected annually, &c.

Notice thereof to be given.

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lots are taken, by and under the inspection of the trustees.

Regulations in regard to voting stock.

SEC. 4. *Be it further enacted*, That, at every election and meeting of the stockholders held under the provisions of this charter, each and every stockholder shall be entitled to one vote for each and every twenty-five dollars he may own in stock in his own right, up to one hundred dollars, and for every fifty dollars over that sum, the stockholders shall, under the same circumstances, be entitled to one vote up to two hundred dollars. Any shareholder, not personally attending such election, or other regular meeting of the stockholders, and having a right to vote, may vote by proxy, such proxy being granted, in writing, to a stockholder actually attending the election or meeting.

Elections may be held on other days than those appointed.

SEC. 5. *Be it further enacted*, That if it shall so happen, that an election of trustees shall not be made on any day, when by this act it ought to have been made, the corporation shall not, for that cause, be dissolved, but it shall be lawful for the trustees to cause an election on any other day, that may be designated by their by-laws. And the trustees may appoint a treasurer, clerk, and such other subordinate officers, as they may deem necessary, fix their compensation, define their powers, and prescribe their duties, and require of them such bonds, and in such penalties, and with such conditions and sureties as they shall deem right; any of said officers may be removed by the trustees, five of their number concurring therein, and stating the cause of their removal on the book of said trustees.

Trustees to elect their treasurer and other officers.

May make by-laws.

SEC. 6. *Be it further enacted*, That the board of trustees, four of whom shall form a quorum, may, from time to time, make such by-laws, rules and regulations for their own government, and for the management and superintendence of said academy, and all matters appertaining thereto, which they may judge expedient, not contrary to this charter.

Collect subscriptions.

SEC. 7. *Be it further enacted*, That the board of trustees shall have full power and authority, to enforce the collection of any subscription, which has been heretofore, or may hereafter be made to said academy, for its erection, completion, or any other purpose appertaining thereto, at such time, and in such proportions, as they may deem just and proper.

The funds of the institution,

SEC. 8. *Be it further enacted*, That all the estate, money, property and funds of the corporation, shall be

used in such manner as the trustees may think fit—in paying such salaries to teachers and superintendents in the different departments of the academy, whether their duties be literary or otherwise, as the trustees may stipulate or allow, and in the construction of such building or buildings as may be needful for the comfort and accommodation of the teachers, pupils, and all others who may be employed in aiding the objects of the institution. A majority of the trustees, remaining in office, shall fill all the vacancies which may happen by the death, resignation or removal of any trustee; removal from the county of Todd shall be a forfeiture of office as trustee; refusal or failure to attend the meetings of the board of trustees, when notified by the president of the board to do so, for one year, shall forfeit the office of the delinquent, and a majority of the trustees remaining in office, may proceed to fill the vacancy. The site of the academy shall be within the limits of the town of Elkton, or adjoining thereto.

SEC. 9. *Be it further enacted*, That the concurrence of any four of the trustees, shall be sufficient to transact any business of the corporation, with the exception herein contained; four may therefore constitute a board.

SEC. 10. *Be it further enacted*, That it shall not be necessary for said corporation to procure a common seal; all its corporate acts shall be manifested and made known by the signature and name of the President of the Board of Trustees of the Green River Female Academy, affixed to the document, contract or writing executed, or by some entry, minute or memorandum made on the records of the proceedings of the corporation; and all contracts, deeds, writings and conveyances, made and entered into, in the name of the corporation, and signed by the president in his official capacity, in manner aforesaid, shall be good and as effectual in law, for the purposes designed by them, as if the corporation had a common seal, and the same was affixed in due form to the said contract, deed, writing or conveyance.

SEC. 11. *Be it further enacted*, That the trustees of said corporation shall keep a regular record of their proceedings, which shall be signed, on each adjournment, by their president.

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how to be appropriated.

Vacancies in the board, how filled.
And created.

Site of the academy.

Quorum to do business.

Deeds, contracts, &c. how to be authenticated.

A record to be kept of the proceedings.

[Approved February 14, 1835.]

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CHAP. 673.—AN ACT to amend and reduce into the several acts incorporating a Company to turnpike a road from Frankfort to Lexington, by way of Versailles.

Company in-
corporated, and
style thereof.

Capable of con-
tracting, selling
and conveying.

May sue and
be sued, and
have a common
seal.

President and
managers ap-
pointed.

Amount of ca-
pital stock.

May be in-
creased if ne-
cessary.

Who may take
stock.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company formed and organized by authority of an act passed Feb. 22, 1834, consisting of John M'Kinney, jr. Willis Field, Robert Kinkend, William Barr, Jacob Darneal, Philip Swigert, Alexander Dunlap, Joseph Craig and their associates, for the purpose of making a turnpike road from Frankfort to Lexington by way of Versailles, shall be, and they are hereby created a body corporate and politic, in deed and in law, forever, by the name and style of the President and Managers of the Frankfort, Lexington and Versailles Turnpike Road Company, and under the said style and name, shall have perpetual succession, and all the privileges, immunities and franchises of a body corporate and politic; and as such, shall be capable of contracting and being contracted with, of purchasing, taking and holding to them and their successors and assigns, and of selling and conveying in fee simple, all such lands, tenements and estate, real and personal, or mixed, as shall be necessary to them in the prosecution of their work; and to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, before any or all judicial tribunals, whatsoever; and also, to make, have and use a common seal, and the same to break, alter or renew, and to do each and every act which a body corporate and politic, as such, may lawfully do.

SEC. 2. *Be it further enacted*, That John M'Kinney, jr., Willis Field, Robert Kinkend, William Barr, Jacob Darneal, Alexander Dunlap, Benjamin W. Gray, Philip Swigert, Edward P. Johnson, Ebbin Milton and Joseph Craig, shall continue to exercise all the duties and privileges of president and managers of said company, until another president and managers shall be elected and qualified, as hereinafter directed.

SEC. 3. *Be it further enacted*, That the capital stock of said company shall be one hundred thousand dollars, to be divided into shares of one hundred dollars each, which may be increased by additional subscriptions, in the manner and form as the president and managers may think proper, if such enlargement shall be found necessary to fulfil the intent of this act; and all subscriptions for stock heretofore made by individuals, by all bodies corporate or politic, by the trustees

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of towns, county courts, and by the acting governor of this commonwealth, shall be held and taken to be valid and binding both upon the company and the persons subscribing for the same; and all contracts made between the company and individuals, or bodies corporate or politic, and all conveyances or relinquishments of ground, stone, stone quarries, gravel, earth, or other materials, necessary for the construction or repairing said road, shall be taken and held to be valid and binding, both upon said company, and the person or persons, or body corporate or politic, contracting with them or conveying or relinquishing to them.

All contracts made with the company declared valid.

SEC. 4. *Be it further enacted,* That a majority of the managers shall constitute a quorum to do business, and in the absence of the president, they shall appoint one of their own body president pro tem; and it shall be their duty to appoint a secretary and treasurer, together with such other officers as they may deem necessary, determine the compensation such officers shall receive for their services, and prescribe their duties and responsibilities; provided, that the treasurer, before he enters upon the duties of his office, shall be required to give bond, with such penalty, and with such conditions as they may require, with two or more good and sufficient securities for the faithful performance of his office.

Majority to constitute quorum, and appoint a secretary and treasurer, and fix their salaries.

Treasurer to give bond.

SEC. 5. *Be it further enacted,* That it shall be the duty of said president and managers, to keep in a book, provided for that purpose, a fair register of all their transactions, and a fair and just account of all moneys which now or shall be received by them from the subscribers of the stock of said company, and also, of all moneys by them expended in the prosecution of their work; and all costs, charges and expenses of said road shall be paid and discharged, and the aggregate amount, when ascertained, shall be entered on the books of the company. They shall have power to employ all such artists and agents as they may think proper and necessary, and to agree upon and fix their salaries and wages; to draw orders on their treasurer, for all sums necessary to pay any contracts by them made in the prosecution of their work; which orders, after being signed by the president, shall be entered in their book of minutes.

President and managers to keep a record of proceedings, and money received.

May employ artists, agents, &c.

SEC. 6. *Be it further enacted,* That the said president and managers shall be, and they are hereby authorized and empowered, from time to time, to ordain and es-

May make by-laws and ordinances, to be binding on off-

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cers and stock-
holders.

establish such by-laws as they may deem expedient and necessary; and such by-laws shall be obligatory on said president and managers, and such officers as they may think proper to appoint, together with the stockholders in said company, and all other persons having necessary connection with the corporation: *Provided*, That said by-laws shall not conflict with the constitution and laws of this state, or the constitution and laws of the United States.

May with their
officers, &c. enter
on the lands of
others.

SEC. 7. *Be it further enacted*, That it shall, and may be lawful to, and for said president and managers, by and with their surveyor, engineers, artists and chain carriers, to enter into, and upon all and every, the lands and enclosures, public roads and highways, through and over which the said turnpike road, or any part thereof, may be thought proper to pass, and to examine the ground most proper for the purpose; also the quarries, slate, beds of gravel, and other materials in the vicinity that may be necessary for the making and constructing said road, or for keeping the same in repair; and to survey, make, lay down and fix thereon, such route or tract for said road, as in the best of their judgment, will combine shortness of distance, with the most practicable ground; the said route or tract to be not less than fifty, nor more than sixty feet in width.

And the quar-
ries of gravel
and stone.

And survey &
lay down the
route of road.

When route is
selected, may
with their offi-
cers, &c. enter
on lands con-
tiguous.

SEC. 8. *Be it further enacted*, That when the said president and managers shall have settled and decided upon the route or tract for said road, or any part thereof, it may, and shall be lawful for them, by and with their superintendents, engineers, artists, workmen and laborers, with their tools and instruments, carts, wagons, sleds and other carriages, and beasts of draught and burden, to enter upon the land or lands, in, over, contiguous, and near to which the route or tract of said road, or any part thereof, shall pass, having given notice to the proprietor or proprietors thereof, if residents, and if non-residents, *femes covert* or infants, to their agents, husbands, or guardians, and from them to take and use any earth, stone, gravel, timber or other materials, necessary and convenient for the making or repairing said road, making proper compensation to the owner or owners of said lands, if they can agree; but in the event of a disagreement, as to the compensation for damages, which the owner or owners of lands as aforesaid, shall be entitled to them, it shall be lawful for said president and managers to apply

Having first
given notice to
the owner.

May take and
use stone and
other materials
for construction
of road.

to some justice of the peace, for the county in which the land lies, for a writ, in the nature of a writ of *ad quod damnum*; and the said justice shall be, and he is hereby authorized and required to issue said writ, directed to any constable or sheriff of his county, commanding him to summon twelve discreet housekeepers, who shall not be stockholders in said company, nor related to the person or persons claiming damages, to meet at some certain place on the route, or tract, situated as aforesaid, and at the time mentioned in said writ.

SEC. 9. *Be it further enacted*, That it shall be the duty of some justice of the peace, for the county wherein the land lies, to attend at the time and place mentioned in said writ, and conduct and preside over said inquest; and upon being satisfied by proper evidence, that the proprietor or proprietors, of the land in question, if residents, and if non-residents, *femes covert* or infants, their husbands, agents or guardians, have had three days' notice in writing, of the proposed inquest, together with the time and place of holding the same, he, the said justice, shall administer to the jurors summoned as aforesaid, the following oath or affirmation:—"You, and each of you, do solemnly swear, (or affirm) that you will, impartially, and to the best of your skill and judgment, view the land, (or stone quarries, earth, gravel or other materials, as the case may be) proposed to be appropriated to the use of the president and managers of the Frankfort, Lexington and Versailles turnpike road company; and taking into view the advantages and disadvantages to the owner, impartially ascertain the damages, if any, that the owner will sustain thereby."

SEC. 10. *Be it further enacted*, That the said jury shall return their verdict in writing, designating and describing therein, as clearly as they can, the quantity, &c. of ground condemned by them, for the foundation of said road; also, designating and describing the situation and extent of any quarries, beds of gravel or stone, earth, timber, or other materials so condemned for the construction of said road, or to be used in repairing the same; and the amount of damage that will be sustained by the owner, by reason of taking or using ground or materials, by the company aforesaid; and it shall be the duty of said justice of the peace, to keep a record of said proceedings, in the same manner he does other judicial proceedings

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How damages are to be ascertained.

Jury to be summoned.

Justice of the peace to attend inquest.

Notice to be given of time and place of meeting of the jury.

Oath of jury.

Jury to return inquest in writing.

And describe property condemned, and amount of damages assessed.

Justice to keep a record of proceedings, and return copy to clerk of court.

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Clerk to record the same, and fee therefor.

Justice's fees.

President and managers may pay the damages or abandon the route.

If damages are tendered by the president and managers within sixty days, may enter on lands condemned.

Inquest of jury to be a bar to action for taking materials.

Jury failing to find verdict, the justice to summon another.

Width of the road, and how graded.

held before him, and within thirty days return a copy of the inquest of the jury, to the clerk of the county, to be recorded in the office; for the recording of which, he shall receive seventy-five cents, and the justice shall receive for his services therein, the following fees, viz: for issuing the writ, twenty-five cents; and for presiding over said trial and making the record aforesaid, seventy-five cents; and the constable or sheriff shall receive for summoning the jury, one dollar and fifty cents; and for each notice he shall serve, fifty cents, to be taxed as other fees, and paid by the company.

SEC. 11. *Be it further enacted*, That, provided that said jury shall find any damages against said president and managers, they may elect either to pay the same, or, at and on the proposed route, stone quarries, beds of gravel or other materials; but if they shall, at any time within sixty days, after the finding of said jury, elect to pay the damages so assessed, and actually pay, or tender the same to the proprietor, or proprietors, if residents, and if non-residents, *non compos mentis*, *femes covert* or infants, to their husbands, agents or guardians, they shall, thereupon, and at any time thereafter, be, and they are hereby authorized and empowered by, and with their agents, engineers, superintendents, contractors, laborers, &c. to open, enter upon and take possession of the land so condemned, for the foundation of said road; and also the quarries, beds of gravel, stone, earth or other materials so condemned, for the purpose of making or repairing said road, or any part thereof; and the inquest of said jury shall be a bar to all actions for taking and using the land or materials so condemned: *Provided*, The said damages be paid or tendered, before taking and using the same: *And provided*, any jury summoned and sworn as aforesaid, shall fail to render a verdict as aforesaid, then the said justice shall issue a writ commanding another jury to be summoned, to ascertain the damages, if any, as aforesaid.

SEC. 12. *Be it further enacted*, That said president and managers shall lay out and grade at least thirty-two feet in width, of the aforesaid fifty feet, whenever the ground, in their opinion, will admit thereof, which shall, at no part, be of greater elevation than four degrees; and they shall be bound to make thereon an artificial road, at least eighteen feet in width, of gravel or pounded stone, to be constructed on the most approv-

ed plan, and shall forever hereafter maintain and keep the same in repair.

SEC. 13. *Be it further enacted*, That whenever the said president and managers shall have completed a part, or the whole of said road, but not less than five miles, they shall notify the governor thereof, who shall thereupon nominate three judicious persons, any two of whom may act, to examine the same, and report to him whether said road is so far made in conformity with the requisitions of this act; and if their report shall be in the affirmative, then the governor shall, by license under his hand, and seal of the commonwealth, permit the said president and managers to erect and fix such, and so many gates across said road, as will be necessary and sufficient to collect the tolls and duties hereinafter granted to said corporation, to be paid by all persons travelling the same: *Provided*, That no gate shall be erected across said road, within less than one half mile of the limits of any town.

SEC. 14. *Be it further enacted*, That it shall and may be lawful for the president and managers aforesaid, to appoint such and so many toll gatherers as they may think proper, to collect and receive of, and from all and every person or persons using said road, the tolls and rates hereinafter mentioned, and to stop any person riding, leading or driving any horse, mule or ass, or driving any cattle, hogs, sheep, sulky, chair, chaise, phaeton, cart, wagon, or any other carriage of pleasure or burthen, from passing through the said gate or turnpike, until they shall have paid toll agreeably to the following rates, to-wit; for every space of five miles in length of said road, and so in proportion for any greater or less distance for which gates shall be fixed to collect tolls, or for any greater or less number of hogs, sheep or cattle, viz: for every ten head of cattle, six and one fourth cents; for every twenty head of hogs, sheep or other small stock, six and one fourth cents; for every horse, mule or ass, or other four footed animal of the larger kind, except cattle, four cents; for every two wheel pleasure carriage eight cents, exclusive of the beasts by which it is drawn, and the persons transported by it; for every four wheel pleasure carriage sixteen cents, exclusive as above; for every cart, wagon or other carriage of burthen, whose wheels do not exceed four inches in width, twenty-five cents; for every such carriage of burthen, whose wheels shall exceed four inches in width, and not ex-

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When 5 miles of road is completed, gates may be erected by application to the governor.

Gate not to be erected within a half mile of any town.

President and managers may appoint toll gatherers.

May stop persons passing through without paying toll.

Rate of toll

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ceed six inches, twenty cents; and for every such carriage of burthen, whose wheels shall exceed six inches in width, fifteen cents, exclusive of the beasts by which they are drawn; for every person, two cents.

Penalty for evading the payment of toll.

Before whom recoverable.

President and managers to keep an account of profits, &c. after gates are erected.

And report to legislature annually.

Profits to be divided, and when.

If road is out of repairs, two justices may issue process.

Five housekeepers to be summoned to ascertain the fact.

SEC. 15. *Be it further enacted*, That if any person or persons, owning, riding in, or driving any carriage of freights or pleasures, riding, leading or driving any horse, mule or ass, or driving any description of stock, shall, with intent to defraud said company, or evade the payment of tolls, pass through any private gate, bars or fence, or over any ground along or near said turnpike gate; or if any person or persons shall practice any artifice or device, with the intention of evading or lessening the tolls fairly due from him, her or them or any other person or persons, each and every person so offending, shall forfeit and pay to the president and managers of the Frankfort, Lexington and Versailles turnpike road company, the sum of ten dollars, for every such offence, to be sued for and recovered, with costs of suit, before any justice of the peace, in and for any county in this commonwealth, whereever the person or persons so offending, may be found, as other debts of equal amount are by law recoverable.

SEC. 16. *Be it further enacted*, That the said president and managers shall, from the time a gate or gates are erected, keep a full and fair account of their receipts and expenditures, which shall, at all times, be open to the inspection of any stockholder, and a report thereof made to the legislature at each regular session, exhibiting the net profits of the stock in said road. Semi-annual dividends of the clear profits shall be made in the months of May and November in each year, and paid over to the shareholders, unless otherwise ordered by the president and managers, with the consent of those holding a majority of the stock in said road.

SEC. 17. *Be it further enacted*, That if the said president and managers shall permit the said road to get so much out of order, that travelling or transportation over the same, shall be, for the space of twenty-four hours, impeded or obstructed thereby, it shall be competent for any person to give information thereof to any two justices of the peace, for the county in which said defective section of said road lies; and said justices shall thereupon issue a precept to any constable of said county, commanding him to summon five discreet and disinterested housekeepers, to be named by

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said justices, in said precept, to meet at a certain time on that part of the road complained of, of which meeting, the gate keeper, within whose precinct the alleged defect exists, shall have at least one day's notice; and the said justices shall swear the said housekeepers to examine the said road, to impartially determine and find whether the same is so out of repair as to materially impede or obstruct travelling or transportation over the same, which inquisition shall be returned to the said justices, signed by the said housekeepers: *And provided*, The said housekeepers shall find said road to be out of repair, according to the true intent and meaning of this act, a copy of such inquisition or finding shall be given to the keeper of the gate, within whose division or precinct of the road the said defective part is situated, who shall thereupon be required to throw open his gate and keep the same open and free of tolls, until he shall obtain the certificates of two justices of the peace for said county, that said defect is repaired, and that he has paid and satisfied the costs of said proceedings, which shall be as follows, viz: to each of said justices, fifty cents; and the constable, one dollar.

Inquest to be returned to the justice.

A copy of the inquest. to be given to gate keeper.

Justice's fees therefor.

If profits do not yield 6 per cent, may be increased.

And if over 6 per cent, to be decreased.

SEC. 18. *Be it further enacted*, That if it shall appear at the end of one year after the said road has been completed, that the clear increase and profits will not yield a dividend of six per centum on the capital stock expended in the construction of said road, then it shall be lawful for said president and managers to increase the tolls herein before allowed, so much on each and every allowance thereof, as will raise the dividends or net profits up to six per centum per annum; and if it shall appear at any time from the books of the company, or otherwise, that the said income or profits so increased, will yield a dividend of more than six per centum per annum, then the said tolls shall be reduced to the rates or tolls specified in the fourteenth section of this act.

President and managers to erect sign posts and mile stones

And rates of toll.

Penalty for pulling down same

SEC. 19. *Be it further enacted*, That the said president and managers shall erect posts, with suitable indexes, at the intersection of said turnpike by other roads, and cause mile stones or posts to be planted along the side of said road; and also cause a printed list of the rates of toll to be kept up at each gate, for the inspection of travellers or persons using said road; and if any person or persons shall wilfully break, deface, pull down or remove any mile post or stone,

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How to be recovered.

President and managers may sue for and recover damages for injury done the road.

Wagons not to be locked on the road.

Or timber, stone, &c. to be placed on it.

Or stock to be fed on it.

Penalty therefor, and how recovered.

Carriages in passing to keep to the right.

Penalty for a breach, & how recovered.

placed in pursuance of this act, on the side of said road, or shall obliterate or deface the figures or letters thereon; or shall wilfully break, pull down, destroy or injure any direction post, or the index affixed thereto, in conformity with the requisitions of this act; or shall wilfully destroy, or remove, or deface any printed list of the rate of tolls affixed or put up at any gate in pursuance of the directions of this act, he, she or they so offending shall, for each and every such offence, forfeit and pay to said president and managers the sum of twenty dollars, with costs, to be recovered before any justice of the peace, for any county in this commonwealth, where the person or persons so offending, shall be found, as other debts of equal amount are recoverable.

SEC. 20. *Be it further enacted*, That said president and managers shall have full power and authority to sue and recover damages, from any person or persons, who shall damage or injure said road by tearing up the stone, or turning water so as to wash away any part thereof, or who shall injure the road structures or property of the company in any other manner whatever.

SEC. 21. *Be it further enacted*, That it shall not be lawful for any person or persons to lock the wheel or wheels of any carriage or wagon on the artificial part part of said road, where the same does not exceed three degrees of elevation, or for any person to obstruct the said road by placing on it timber, brush, stone, or in any other manner whatever; and it shall not be lawful for any owner or driver of any wagon, carriage or other vehicle, to encamp or feed on the artificial part of said road, or for any person to feed stock of any kind on said road; and any person offending in any of the above particulars, shall forfeit and pay to the said president and managers, the sum of five dollars, with costs, for each and every offence, recoverable before any justice of the peace, as other debts of like magnitude; and any slave guilty of any such offence, shall be sentenced to receive not less than ten, nor more than thirty-nine lashes.

SEC. 22. *Be it further enacted*, That all wheel carriages using said road, shall, in passing other wheel carriages, keep to the right hand side, leaving half the road free and clear for other wheel carriages to pass and repass; and any carter, wagoner or driver, offending against this provision, if the owner of the

team, if not, then the owner thereof, shall pay to any person suing for the same, the sum of five dollars, and also all damages any person may sustain thereby, recoverable before any justice of the peace in this commonwealth, or other court of competent jurisdiction.

SEC. 23. *Be it further enacted,* That if any gate keeper shall demand and receive from any person using said road, any greater toll than is required by this act, such toll gatherer or gate keeper shall forfeit and pay, for every such offence, the sum of five dollars, recoverable by any person suing for the same before any justice of the peace, as other debts of like amount are recoverable: *Provided,* That no such suit shall be maintained or prosecuted, unless commenced within six months after the offence was committed.

SEC. 24. *Be it further enacted,* That the said president and managers shall be, and they are hereby authorized to receive additional subscriptions of stock in said road, from any persons of lawful age, from corporations, the county courts of Fayette, Woodford and Franklin, the trustees of Frankfort and Versailles; and the county courts aforesaid are hereby authorized to meet any subscription they have made, or may hereafter make, by such additions to their county levy as may be necessary; and it shall be the duty of said president and managers to regulate and ascertain the terms on which any future subscriptions may be made; also the time, manner and proportions in which stockholders shall pay in the same: *Provided,* That the said president and managers shall not require the stock, heretofore subscribed, to be paid in faster than at the rate of ten dollars for every sixty days, counting from the first day of November, 1834; *And, provided also,* That the said president and managers, shall, from time to time, certify to the governor the amount of stock paid in by individuals, corporations, county courts or trustees of towns, &c.; whereupon, the auditor of public accounts is authorized to draw upon the treasurer of this commonwealth, in favor of the president and managers aforesaid, for any sum equal to one half the whole amount paid in by other stockholders, and certified as aforesaid until the whole amount heretofore subscribed by the governor of this commonwealth be paid.

SEC. 25. *Be it further enacted,* That said president and managers shall give at least thirty days' notice in some newspaper published in Lexington, and one in

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Gate keeper not to charge more toll than is allowed by law.

Penalty therefor, and how recovered.

President and managers may receive additional stock, and from whom.

County courts may raise subscriptions, and how.

President and managers to regulate subscriptions for stock.

Amount to be called, & when.

To certify to the governor amount paid in.

Governor to subscribe one half amount paid in.

President and managers to give notice of amount called.

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Governor, trustees and county courts may appoint proxys to vote for them

Failing to elect officers on the day appointed, may do so on some other day

The provisions of certain sections of this act are to apply to the road from Louisville to Nashville by way of Elizabethtown, &c.

vote; for every two shares over four and under eleven, one vote; for every three shares over ten, one vote; and the governor, as the representative of the interest of the state, or any corporation, county court, or the trustees of any town holding stock in said road, may each of them, by written authority, constitute a proxy to vote for them at said elections in every successive year; and provided the stockholders shall, at any time, fail to elect managers on the day fixed by this act, it shall be the duty of the president and managers, for the time being, within sixty days after such failure, to call a meeting of the stockholders for the purpose of electing managers as aforesaid, on some day to be fixed by them, of which time they shall give at least three weeks notice, to be published in one or more newspapers printed in Lexington and Frankfort.

SEC. 31. *Be it further enacted*, That the 7th, 8th, 9th, 10th and 11th sections of this act be, and the same are hereby declared in force, and considered as part of an act, entitled an act to incorporate a company to establish a turnpike road from the city of Louisville, by the way of the mouth of Salt river to Elizabethtown, Munfordsville and Bowlinggreen, to the state line in the direction to Nashville; and the several acts amendatory thereto, and any section or sections contained in the above recited acts, and the amendatory acts which may conflict with the said 7th, 8th, 9th, 10th and 11th sections of this act, be, and they are hereby, to the extent of said confliction, repealed.

[Approved February 14, 1835.]

CHAP. 674.—AN ACT to change the place of voting in the Sharpsburg Precinct in Bath County.

Place of voting therein changed

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the passage of this act, the place of voting in the Sharpsburg precinct, in Bath county, shall be at the house of A. M. Jones, in the town of Sharpsburg in said precinct, and all officers shall govern themselves accordingly.

Repealing clause.

SEC. 2. *Be it further enacted*, That all acts or parts of acts fixing any other place for voting in said precinct, shall be and the same are hereby repealed.

[Approved February 14, 1835.]

CHAP. 675.—AN ACT to repeal the sixth section of an act further to regulate the Wilderness and Turnpike Road, approved Feb. 22, 1834.

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Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act, the sixth section of an act further to regulate the wilderness and turnpike road, approved 22d February, 1834, shall be and the same is hereby repealed, so far as it relates to the appointment of overseers on the wilderness and turnpike road, in the counties of Madison and Rockcastle; and each county court may hereafter appoint overseers living in any part of their respective counties.

[Approved February 14, 1835.]

CHAP. 676.—AN ACT to enlarge the bounds of the Town of Crab Orchard.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the incorporation and bounds of the Crab Orchard in Lincoln county be and the same is hereby enlarged and extended one half mile in every direction, from the intersection and junction of the roads from Lancaster in Garrard county to Crab Orchard, and from Standford to Crab Orchard.

Bounds of the town extended.

SEC. 2. *Be it further enacted,* That the persons and property included in the town of Crab Orchard, by the first section of this act, shall be subject and liable to all the laws and by-laws of said town, and entitled to all the privileges, as though the same had been included in the original boundary of said town, except the land hereby included by this act in the bounds of said town, shall not be subject to an *ad valorem* tax, for the improvement or expenses of said town, until the same shall be laid off in town lots.

Jurisdiction of the town extended to the addition except as to taxation.

[Approved February 14, 1835.]

CHAP. 677.—AN ACT to amend an act, entitled an act establishing a Fire Company in the Town of Bowlinggreen, and for other purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That there shall be annexed to the fourth section of the above recited act, the following proviso: *Provided, nevertheless,* That if, at any time, the fire engine shall be so decayed and out of

Proviso annexed to 4th section of recited act.

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repair, as to be unfit for effective use, whereby it shall be unnecessary to muster said fire company, the members and officers thereof shall, in such event, and during such period of decay, be subject to military duty, and to serve on petit and grand juries, in common with other citizens of this commonwealth.

[Approved February 14, 1835.]

CHAP. 678.—AN ACT to repeal the act, declaring Rockcastle Creek navigable.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the law declaring Rockcastle creek a navigable stream, be and the same is hereby repealed.

[Approved February 14, 1835.]

CHAP. 679.—AN ACT for the benefit of Thomas P. Burnett.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Thomas P. Burnett and Lucy, his wife, be and the same is hereby dissolved; and the said Thomas P. Burnett restored to all the rights and privileges of an unmarried man.

[Approved February 14, 1835.]

CHAP. 680.—AN ACT to establish a State road from the Mouth of Salt River, to the Ohio River, opposite Shawneetown, so as to pass through the Towns of Plain Dealing, Hardinsburg, Knottsville, Owensboro', Henderson and Morganfield.

* Preamble.

Whereas, it appears to the General Assembly of the Commonwealth of Kentucky, that the present road leading through the towns above named, has been established as a county road, by the respective county courts, and from the increasing travel thereon, and its being the regular stage route, that it would greatly conduce to the convenience and interest of the public, to cause the same to be established as a state road: Therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the present road leading from the mouth of Salt river to the Ohio river,*

Present road
established.

opposite to Shawneetown, and passing through Plain Dealing, Hardinsburg, Knottsville, Owenboro', Henderson and Morganfield, be, and the same is hereby established as a state road.

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SEC. 2. *Be it further enacted*, That it shall be the duty of the several county courts, through whose county said road shall pass, at their ensuing March or May courts, to lay off so much of said road as shall pass through their respective counties, into convenient precincts, and to appoint to each an overseer, and moreover to allot to such overseer a sufficient number of hands to keep said road in good repair thirty feet wide, and it shall be the duty of the overseers to cause the stumps to be well cut, the banks of creeks and other sideling places, to be well dug and graduated, and all marshy places to be causewayed or thrown up and improved, so as to admit of a safe and convenient passage of all kind of carriages.

To be kept in repair.

SEC. 3. *Be it further enacted*, That it shall not be lawful for the county courts of said counties to alter or change said road, but it shall be their duty, at all times, to appoint overseers, and allot a sufficient number of hands to keep said road in lawful repair; and the overseers appointed under the act, shall be subject to and governed by the laws in force, in relation to working on other roads in this state.

Not to be altered by county court.

Overseers to be appointed.

[Approved February 14, 1835.]

CHAP. 681.—AN ACT for the benefit of Samuel Kimbrough.

Whereas, it appears, that a horse, the property of said Kimbrough, was killed, or caused to be so injured that he immediately died of his wounds, by Richard Richardson, a convict, while the said horse was in the service of the commonwealth, to convey said Richardson to the penitentiary: Therefore,

Preamble.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the auditor of public accounts, be, and he is hereby authorized and directed to issue his warrant upon the treasury, for the sum of fifty dollars, in favor of the said Samuel Kimbrough; which said sum shall be paid out of any money in the treasury, not otherwise appropriated.

Money appropriated.

[Approved February 14, 1835.]

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CHAP. 682.—AN ACT to change the time of holding the Livingston, Caldwell and Hickman Circuit Courts, and for other purposes.

Time of holding the circuit courts in Livingston.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the passage of this act, the Livingston circuit court shall commence on the first Mondays of March, June and September, and continue to be holden for six juridical days at each term, if the business of the court be such as to require it.

Caldwell.

SEC. 2. *Be it further enacted*, That the terms of the Caldwell circuit court, shall hereafter commence on the second Mondays of March, June and September, and continue to be holden twelve successive juridical days at each term, if the business of the court require it.

Hickman.

SEC. 3. *Be it further enacted*, That the several terms of the Hickman circuit court shall hereafter commence on the last Mondays of March, June and September, and continue to be holden twelve juridical days at each term, if the business of the court require it.

All writs, process, &c. made returnable to the courts, as herein directed to be held.

SEC. 4. *Be it further enacted*, That all writs, subpoenas or other law process, which have, or may hereafter be issued or executed, and which have or may be made returnable to the terms of the Livingston, Caldwell or Hickman circuit courts, as heretofore directed by law to be holden, shall be, and the same are hereby made returnable to the several terms of the courts of said counties as hereby directed to be holden agreeably to the provisions of this act.

[Approved February 16, 1835.]

CHAP. 683.—AN ACT for the benefit of Obed Denham.

Permitted to retain Abigail Shanks at his house.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Obed Denham be, and he is hereby authorized and permitted to retain; at his own house, in the county of Pulaski, Abigail Shanks, who, by due process of law, has been deemed a lunatic and fit subject for the hospital.

Fifty dollars allowed him for her support.

SEC. 2. *Be it further enacted*, That the sum of fifty dollars per annum, from and after the passage of this act, be allowed the said Obed Denham, as compensation for keeping said Abigail Shanks, so long as she may remain of unsound mind.

Sec. 3. *Be it further enacted,* That the auditor of public accounts be, and he is hereby authorized, at the end of each year from the commencement of this act, upon the production of the affidavit of one or more respectable persons in the county of Pulaski, taken before a justice of the peace, that said Abigail Shanks is still of unsound mind, to draw his warrant on the treasury for the said sum of fifty dollars, payable out of any moneys in the treasury.

[Approved February 16, 1835.]

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Auditor and treasurer directed to pay the same upon satisfactory proof.

CHAP. 684.—AN ACT making an appropriation of Land Warrants to improve the road leading from Tompkinsville to Dicken's Ferry, on Cumberland River, in Monroe County.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the register of the land office be, and he is hereby directed and required, to issue, without charge, to the county court of Monroe county, land warrants for six thousand acres; which warrants may be located on any vacant and unappropriated land in said county, or the territory which lies between Walker's line, and the line of latitude thirty-six degrees, thirty minutes north, in the state of Tennessee, south of, and opposite said county.

Six thousand acres of land warrants granted to the county of Monroe—to be located in said county.

Sec. 2. *Be it further enacted,* That the county court aforesaid, shall appoint a commissioner or commissioners, to locate said warrants, or to sell and dispose of them or any of them, in such quantities, and for such price, as they may think best; and such commissioner or commissioners, shall, before entering on the duties required by this act, execute a bond, with good security, to be approved of by said court, in the penalty of one thousand dollars, faithfully to discharge the duties, and pay over the proceeds of said warrants, as required and directed by the said county court, and said commissioner or commissioners, with his or their securities, or any of them, shall be liable to an action on such bond or bonds, for any default of said commissioner or commissioners.

County court authorized to appoint a commissioner to locate or sell the warrants.

Commissioner to give bond and security.

Sec. 3. *Be it further enacted,* That the court aforesaid, shall apply the proceeds of the sale of such warrants, or the lands appropriated by such warrants, to the improvement of the road leading from Tompkinsville to Dicken's ferry, on the Cumberland river in said county.

Proceeds to be applied to the improvement of a certain road.

1835

A majority of
the court requi-
red to act.

Register to is-
sue patents.

SEC. 4. *Be it further enacted*, That it shall require a majority of the justices of the peace in said county to be present in making the appointment of commissioner or commissioners under this act, or in making an appropriation of the proceeds of said warrants, or the proceeds of any land located under them; and the register is hereby directed and required to issue patents, without charge or fee, on the several surveys made under said warrants.

[Approved February 16, 1835.]

CHAP. 685.—AN ACT to allow additional Justices of the Peace and Constables to certain Counties.

An additional
constable to the
county of Spen-
cer.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there shall be allowed one additional constable to the county of Spencer, who shall reside within the bounds of the town of Mount Eden, and one additional magistrate to the said county of Spencer.

One justice and
two constables
to Muhlenburg.

SEC. 2. *Be it further enacted*, That an additional justice of the peace, and two constables be allowed to the county of Muhlenburg.

One constable
to Clay.

SEC. 3. *Be it further enacted*, That there shall be one additional constable allowed to the county of Clay, who shall reside at or near Manchester.

One justice to
Livingston.

SEC. 4. *Be it further enacted*, That there shall be one additional justice of the peace allowed to the county of Livingston.

One constable
to Lincoln.

SEC. 5. *Be it further enacted*, That there shall be one additional constable allowed to the county of Lincoln, who shall reside at, or in the immediate neighborhood of the New Store, on the Hanging fork.

One justice and
one constable
to Anderson.

SEC. 6. *Be it further enacted*, That one additional justice of the peace and one additional constable be allowed to the county of Anderson.

[Approved February 16, 1835.]

CHAP. 686.—AN ACT to authorize the Trustees of the Town of Russellville to levy money for McAdamizing the streets in said town and for other purposes.

Trustees au-
thorized to levy
and collect tax-
es for paving
streets, &c.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the trustees of the town of Russellville be, and they are hereby authorized to levy an *ad valorem* and poll tax upon all property

and persons in said town, liable to taxation by the laws of this commonwealth, for the purpose of creating a fund to be expended in paving the streets and public square in said town, after the M'Adam's plan of paving.

1835

SEC. 2. *Be it further enacted*, That the county court of Logan be, and they are hereby authorized, a majority of the whole court concurring, at their next levy court, or whenever they shall think fit, to provide a fund out of the county levy to assist the trustees of the town of Russellville, in improving and paving the public square, on the M'Adam's plan.

County court of Logan authorized to raise a fund to pave public square.

[Approved February 16, 1835.]

CHAP. 687.—AN ACT to extend the limits of the Town of Barboursville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the limits of the town of Barboursville be, and the same are hereby extended as follows, viz: beginning at the present north western boundary, from thence, a straight line the same course as the present boundary, to the branch beyond James Love's house, thence up the branch to the line between John Patton's and Hugh White's land, thence with said lane to the line between John Patton and John G. Eve's land, and with the last mentioned lane, so far as to include all John G. Eve's buildings, thence a straight line, so far as to include Thomas Frasier's tanyard, thence down the town spring branch to the bridge, thence with the road to the present town boundary; and that the same be, in every respect, as completely under the jurisdiction of the trustees of said town, as if embraced by the original boundary of said town.

Bounds of the town extended, and placed under the jurisdiction of the trustees.

[Approved February 16, 1835.]

CHAP. 688.—AN ACT for the benefit of the Sheriff of Lincoln County, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the sheriff of Lincoln county have the further time, until the court of assessment for the year 1835, to return his delinquent lists of muster fines, to the sixty-third regiment of Ken-

Further time allowed sheriff of Lincoln to return a delinquent list.

1835.

tucky militia, which should have been returned to the court of assessment in the year 1834; and the said court is hereby directed to receive said delinquent list as if the same had been returned at the time required by law.

Further time
allowed sheriff
of Estill.

SEC. 2. *Be it further enacted*, That it shall be lawful, for the commandant of the seventy-eighth regiment, of the militia of this commonwealth, to receive the delinquent list of William M'Clane, deputy sheriff of Estill county, as collector of fines of said regiment, for the year 1834, under the same rules and regulations, as though said list had been returned to the court of assessment of said regiment; and the certificate of the commandant of said regiment as to said delinquent list, shall be received, and duly regarded by the paymaster of said regiment, in his settlement with said M'Clane.

Further time
allowed sheriff
of Pulaski.

SEC. 3. *Be it further enacted*, That Achilles Jasper, late deputy sheriff of Pulaski county, have the further time, until the court of assessment in 1835, to return his muster fine delinquent list for the year 1831.

Officers are
directed to re-
ceive said list.

SEC. 4. *Be it further enacted*, That the pay master, and all other militia officers, whose duty it is, be, and they are hereby required to receive said delinquent list, and allow said Jasper a credit therefor, within the time above specified, agreeably to the laws now in force on the subject of receiving and allowing sheriffs of this commonwealth a credit for their muster fine delinquent list.

[Approved February 16, 1835.]

CHAP. 689.—AN ACT for the benefit of the Sheriffs of Madison, Henderson, and Washington Counties.

Further time
given sheriffs
of Madison &
Henderson to
return their de-
linquent lists
for 1834.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the auditor of public accounts be, and he is hereby authorized to receive and account with the sheriffs of the counties of Madison and Henderson, for the delinquent lists for said counties, for the year 1834, in the same manner as if said lists had been returned within the time required by law, and to draw his warrant upon the treasurer for the amount of said delinquent lists, for the benefit of said sheriffs.

And to sheriffs
of Washing-
ton to return

SEC. 2. *Be it further enacted*, That the auditor of public accounts be, and he is hereby authorized to re-

ceive and account with the sheriffs of the county of Washington, for the delinquent lists for said county, for the years 1833 and 1834, in the same manner as if said lists had been returned within the time required by law, and to draw his warrant upon the treasurer for the amount of said delinquent lists, for the benefit of said sheriffs.

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the delinquent lists for 1833 and 1834.

[Approved February 16, 1835.]

CHAP. 690.—AN ACT to establish the Town of Concord in Calloway County, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the town of Concord, in the county of Calloway, shall be, and the same is hereby established; and it shall be lawful for the free white male inhabitants of said town, of the age of twenty-one years and upwards, to meet at such places as they may agree upon, in said town, on the first Monday in June next, (and in default thereof, on the second Monday in August thereafter) and annually on the first Monday in June in every year, and elect by vote, *viva voce*, five fit persons for trustees of said town, to serve for one year, and until their successors be duly elected; and the said trustees may enact such by-laws and ordinances, not contrary to the constitution and laws of this commonwealth, as they, in their discretion, may deem most expedient for the government of said town, and to impose fines and forfeitures, for all breaches of the same; they shall also have power to lay and levy a tax on the inhabitants and property of said town, provided the same shall not exceed fifty cents for each hundred dollars worth of property, with a poll tax not exceeding one dollar and fifty cents for each tithable. And the said trustees shall have power to purchase, or sell and convey the titles to any lots in said town, in whom the same shall, upon their appointment, be vested; and to contract and be contracted with, to sue and be sued, plead and be impleaded, and to do all and singular the acts and things in their corporate capacity, concerning the premises, which individuals might lawfully do.

Town established.

Annual elections to be held for trustees, & when.

Trustees may enact by-laws, levy and collect taxes, purchase, sell and convey town lots, sue and be sued, &c.

SEC. 2. *Be it further enacted*, That the said trustees may fix metes and bounds of said town, and have the same surveyed and plotted, laid out into streets, alleys, and cross streets, as they may direct, which plats of

May have the lots, streets and alleys laid out, surveyed, and a plat thereof recorded.

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The place of voting in the Blood river precinct changed to Concord.

the surveys of said town, shall be recorded in the clerk's office of the Calloway county court.

SEC. 3. *Be it further enacted*, That the Blood river election precinct in the said county of Calloway, shall be, and the same is hereby removed to the said town of Concord, at which place elections shall hereafter be holden, in some house to be furnished by the citizens of said town, agreeably to the same laws, rules, and regulations, which have heretofore governed elections at said precinct.

Trustees of Millersburg to order the pavement of the side walks & streets.

SEC. 4. *Be it further enacted*, That the trustees of the town of Millersburg, in the county of Bourbon, be, and they are hereby authorized to order the pavement of the streets and side walks in said town, either with stone or otherwise, at their discretion.

And to enforce all orders made for that purpose.

SEC. 5. *Be it further enacted*, That the said trustees, shall have power, and are hereby authorized to make orders upon the owners of lots in the said town, to pave so much of any street or streets, side walk or walks, as may lie along said lot or lots to be paved; and said trustees shall have the same power to enforce any order they may make, for the purpose aforesaid, as is vested by law in the trustees of the town of Paris, Bourbon county; or if said trustees should adjudge it best, they are authorized and empowered, to levy a sum upon the taxable property in said town of Millersburg, to make the pavements aforesaid: *Provided*, That they shall not assess, during any year, more than the sum of five hundred dollars.

Or may levy a tax.

Proviso.

[Approved February 16, 1835.]

CHAP. 691.—AN ACT to sell the real estate of Samuel May, deceased, to pay the debts, and for other purposes.

Recital.

Whereas, it is represented to the General Assembly, that Samuel May, of the county of Floyd, hath departed this life, and that his personal estate is not sufficient to pay the debts, and the real estate is unproductive, consisting of a mill and land, only valuable for the timber, and that the same is greatly out of repair, and that there is no assets in the hands of the administrator or guardian, to repair the same, and that it would be greatly to the interest of the heir and the wife of the decedent: for remedy therefore,

Floyd circuit court authorized on the bill

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That upon a bill being

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filed by the administrator or administrators of Samuel May, deceased, or the guardian or any persons charged with the care of the real estate of the said Samuel May, deceased, in the Floyd circuit court, making all parties interested, parties to the same, and alleging the circumstances and condition of the estate, and the amount of debts due from the estate, as well as the condition of the same, and setting forth also, the necessity of selling the same, to promote the interest of the heir, and praying a sale of the same.

of administrator to decree a sale of the real estate for the payment of the debts.

SEC. 2. *Be it further enacted*, That if, in the opinion of the circuit court, it shall be to the interest of the parties concerned, to decree the sale of the same, the court is directed to do so, and the purchase money shall be made payable in two annual instalments, the purchaser giving bond and approved security, to the commissioner appointed to sell and convey the said estate by the court.

SEC. 3. *Be it further enacted*, That the said commissioner, after the sale of the said mill and the real property of the said Samuel May, deceased, shall report the sale, and the amount of the purchase money, and the bonds taken for the payment of the same, to the next court after the sale, and the court shall decree, if it shall seem that the sale is a fair one, the said commissioner to convey to the purchaser, all interest the said heir and wife of the said Samuel May have in the real estate.

A commissioner to be appointed to make the sale and conveyances.

SEC. 4. *Be it further enacted*, That the taking the personal security, as required by the foregoing provisions of this act, shall not destroy the lien on the said tract of land and mill, that they would otherwise have; and the commissioner shall, when the purchase money for the real estate is collected, distribute, to the persons entitled to distribution of the same, according to the directions of the circuit court, regulated by the rules in equity.

A lien to attach to the land for the purchase money.

Distribution of the proceeds to be made by the commissioner.

[Approved February 16, 1835.]

CHAP. 692.—AN ACT for the benefit of the Administrator and Heir of Robert S. Young, deceased.

Whereas it is represented that Robert S. Young, late of Fleming county, died intestate, leaving his infant daughter, Elizabeth Young, now about five years of age, his only child and heir, and that letters of admin-

Recital.

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istration have been granted on his estate, to his father, James Young, and that as administrator, the said James has received, and has now in his hands, about the sum of nine hundred dollars, to which the said Elizabeth will be entitled, as heir and distributee, and that it would be greatly to the advantage of the said Elizabeth, that the same should be vested in lands for her benefit: therefore,

The administrator authorized to invest certain money in the purchase of land.

Provide.

The adm'r. to be entitled to a credit on his settlement for the amount invested.
Provide.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the said James Young is hereby authorized to appropriate the said sum to the purchase of lands for her, and in her name, in either of the states of Indiana or Illinois, provided the said purchase is made within the space of two years from the passage of this act, and the deed or grant for the land is taken to the said Elizabeth, in her own name, and for her exclusive use and benefit: *And provided also,* That a copy of the deed or grant, duly executed and authenticated, according to the laws of the state where the purchase may be made, and the land lies, is, within the time aforesaid, filed with the clerk of the Fleming county court.

SEC. 2. *Be it further enacted,* That, upon the purchase being made, and the deed or grant filed as above directed, the said James Young and his securities, shall be entitled to a credit on his account as administrator, for the sum thus actually invested: *Provided however,* That the said James Young, before he invests said money in the purchase of land, shall execute, in the Fleming county court, a bond, in the penalty of two thousand dollars, payable to said Elizabeth Young, with sufficient security, to be approved by said court, and conditioned that said James Young shall faithfully discharge the trust hereby confided to him; which bond shall be preserved by the clerk of said court.

[Approved February 16, 1835.]

CHAP. 693.—AN ACT to authorize the sale of the real estate of Jesse M. Coffey and Thomas H. Coffey, deceased.

Wayne circuit court authorized to decree a sale of Jesse M. Coffey's real estate.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the judge of the Wayne circuit court be, and he is hereby authorized and required, upon the petition of Eliza A. Coffey, administratrix, and Henderson Coffey, administrator of the estate of Jesse M. Coffey, deceased, to decree a

sale of the whole, or any portion of the houses and lots in and adjacent to the town of Monticello, of which the said Coffey died seized and possessed, for the purpose of paying the debts of the decedent.

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SEC. 2. *Be it further enacted*, That the judge of the Russell circuit court be, and he is hereby authorized and required, upon the petition of John Carter, guardian for Fielding Coffey, Isaac Coffey, Celia Coffey, and Elizabeth Coffey, infant heirs and legal representatives of Thomas H. Coffey, deceased, to decree a sale of the whole, or any portion of the real estate of said decedent, to which he had, at his death, either a legal or equitable title, for the purpose of paying the debts owing by said decedent, at his death.

Russell circuit court that of Thos. H. Coffey.

SEC. 3. *Be it further enacted*, That the judge, in decreeing a sale of the estate mentioned in the two first sections of this act, shall be governed and controlled by the general law now in force authorizing a decree of the sale of infants' real estate.

To be governed by provisions of act of 1813.

[Approved February 16, 1835.]

CHAP. 694.—AN ACT to repeal an act entitled, an act to organize a Fire Company in the Town of Nicholasville, approved November 26, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the act, entitled an act to organize a fire company in the town of Nicholasville, approved November 26, 1831, be, and the same is hereby repealed.

[Approved February 16, 1835.]

CHAP. 695.—AN ACT for the benefit of William Clarke Twyman.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Anderson circuit court is hereby vested with jurisdiction to decree the sale of a certain negro boy called Smith, the property of William Clarke Twyman, upon the petition of his guardian, if the said court shall be satisfied, by proof, that owing to the vicious habits, and refractory nature of said negro boy, said sale would conduce to the permanent advantage of said Twyman; but said petition shall be verified by the affidavit of said guardian, and thereupon such proceedings shall be had, by orders and

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decrees, from time to time rendered, as may be necessary to effectuate said sale, upon a reasonable credit; and for the securement of the proceeds thereof, for the use of said Twyman, and so far as applicable, the provisions of an act entitled, an act vesting jurisdiction in the circuit courts, to authorize the sale of the real estate of infants, in certain cases, shall govern the proceedings on said petition; and the proceeds of said sale, said court may cause to be appropriated to the purchase of another negro or negroes, for said William Clarke Twyman, or to be disposed of in such manner as is prescribed in said recited act.

[Approved February 16, 1835.]

CHAP. 696.—AN ACT to establish an Inspection of Tobacco and other articles of commerce in the Town of Paducah.

An inspection
of tobacco, &c.
established at
Paducah.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That from and after the passage of this act, an inspection of tobacco, whiskey, pork, flour, beef, and other articles of commerce, shall be, and is hereby established in the town of Paducah, M'Cracken county, subject to the same laws, rules, and regulations as other inspections of a similar nature in this commonwealth.

Inspector to
be appointed
by the county
court.

SEC. 2. *Be it further enacted,* That the county court of M'Cracken county, two thirds of the magistrates being present and concurring, is hereby authorized to appoint an inspector, for the said town of Paducah, whose duty it shall be, to inspect all of the aforementioned articles; and he shall, in the discharge of his duties, be governed by the same laws, rules, and regulations, now in force in this commonwealth; and before entering upon the discharge of his duties as inspector, he shall take the usual oath required of inspectors by the present existing laws.

How governed
in the discharge
of his duties.

To give bond
and take oath.

[Approved February 16, 1835.]

CHAP. 697.—AN ACT establishing the Town of Ghent in Gallatin County.

Town of Ghent
established, and
plat thereof to
be recorded.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the town of Ghent in Gallatin county, be, and the same is hereby established, upon the plan laid out by Samuel San-

ders, sen. and if not recorded, it is hereby directed that a plat of said town be recorded in the office of the clerk of the Gallatin county court.

SEC. 2. *Be it further enacted*, That Samuel Sanders, jr., T. Fisher, James Knox, John B. English and Richard Sarlls, be, and they are hereby appointed trustees for the said town, who, as well as their successors, shall have the same power, and authority, and shall perform the same duties, as are given and imposed by the general laws of this commonwealth in relation to trustees of towns.

SEC. 3. *Be it further enacted*, That the said trustees shall remain in office until the first Saturday in June, 1836, on which day, and on the first Saturday in June in each succeeding year, the free male inhabitants of said town, of the age of twenty-one years and upwards, and all persons holding real estate in said town, shall meet at such place as shall be designated by the trustees of said town, and choose by vote, *viva voce*, five fit persons for trustees to serve until their successors are duly elected.

SEC. 4. *Be it further enacted*, That the trustees of said town shall appoint a town clerk, who shall continue in office until the election next succeeding his appointment, and in like manner each new board of trustees shall appoint a clerk for the same term; whose duty it shall be to keep a fair record of all the proceedings of the trustees, and to give public notice, by advertisement in said town, at least ten days previous to any election for trustees; and he shall, together with any two trustees, conduct all elections, and declare the persons elected, and make record of the same.

SEC. 5. *Be it further enacted*, That the trustees of said town shall have full power to pass all laws which they may, from time to time, think advisable for the government of said town: *Provided*, That they be not contrary to the constitution and laws of this state.

[Approved February 16, 1835.]

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Trustees to be appointed, and how to be governed.

To continue in office till June, 1836. Annual elections to be held for trustees.

The trustees to appoint clerk.

His duties prescribed.

Trustees authorized to enact by-laws, &c.

CHAP. 698.—AN ACT to allow additional Justices to the County of McCracken, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there shall be, and there is hereby allowed to the county of Mc-

Additional justices of the peace allowed to McCracken.

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Cracken, three justices of the peace in addition to the number of justices now allowed by law to said county; and the county court of said county, may, at such time as they think proper, select and recommend to the governor for such appointment, some fit persons of said county, having due regard to the convenience of the people of said county, and consulting the interest of such neighborhoods as are destitute of magistrates.

An additional
constable to
Calloway.

SEC. 2. *Be it further enacted*, That there shall be allowed to the county of Calloway, one additional constable, who shall reside in the neighborhood of Peyton Utterback, Esq.

[Approved February 16, 1835.]

CHAP. 699.—AN ACT to allow an additional Justice of the Peace to the County of Meade.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That there shall be allowed one additional justice of the peace to the county of Meade.

[Approved February 16, 1835.]

CHAP. 700.—AN ACT for the benefit of Ann T. Mallary.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Ann T. Mallary and William Mallary, be, and the same is hereby dissolved; and the said Ann T. is hereby restored to all the rights and privileges of an unmarried woman.

[Approved February 17, 1835.]

CHAP. 701.—AN ACT to establish an Election Precinct in the north part of Washington County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all that part of the county of Washington, included in the following bounds, viz: beginning at the Mercer county line, thence with the Anderson county line to the Nelson county line, thence with the Nelson line to Chaplin's fork, and with said fork to the mouth of Glen's creek,

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thence up said Glen's creek to the mouth of Rush run, and up said run with the meanders thereof to the Mercer county line, and with the Mercer county line to the beginning, be, and the same is hereby established an election precinct, by the name of Denniss' precinct; and the sheriff shall hold elections therein at the house of Richard Denniss, as he is now required by law at other precincts; and the county court of Washington is required to appoint judges and a clerk for said precinct as in other cases, and they shall be subject to the same rules and regulations, and the officers attending shall be entitled to the like compensation: *Provided*, The voters in said precinct shall have the right to vote at any legal place of voting in said county.

[Approved February 17, 1835.]

CHAP. 702.—AN ACT to amend the Charter of the Bardstown and Louisville Turnpike Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the president and managers of the Bardstown and Louisville turnpike company, in locating and grading their road from the east fork of Coxe's creek to Valentine Thompson's, and from Mount Washington towards Elijah Wright's, may locate and grade the same at the ascents and descents at said places at three degrees, instead of two degrees as now required by the charter.

Grade of the road may be changed at certain places.

SEC. 2. *Be it further enacted*, That the president and managers of said company shall be, and they are hereby authorized and empowered to borrow money on the credit of said company, and thereby anticipate the calls on the stockholders, if, in their judgment and in compliance with their contracts, it shall be proper so to do.

The company may borrow money.

[Approved February 17, 1835.]

CHAP. 703.—AN ACT to dispose of the Seminary Building near Greensburg.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the trustees of the Greenup county seminary be, and they are hereby authorized to sell the present seminary building and the two acres of ground upon which said building is locat-

Terms of sale.

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Proceeds of sale
how appropri-
ated.

Time of sale
to be advertised

Conveyance to
be made to the
purchaser.

ed, which was purchased and set apart by the trustees of said seminary, for the erection of a suitable building thereon, for the seminary of the town of Greensburg, which sale shall be made at twelve months' credit, the purchaser giving bond and approved security for the purchase money, with interest from the date: *And be it further provided*, That said trustees, when they collect the money, shall be, and they are (or a majority of them) hereby empowered to lay out said sum of money in the purchase of some suitable lot of ground in the town boundary of Greensburg, with building thereon, if to be had, if not, then they, or a majority of them, are to lay out said money in the purchase of a suitable lot, and the erection of a suitable building thereon, so far as said sum of money may go towards the said purchase and the completion of said suitable building; and before said sale shall be made, said trustees, or a majority of them, shall advertise the same at the court house door, in the town of Greensburg, on a court day, and at least four more of the most public places in the county of Greenup at least one month before the said sale shall be made; and when said sale shall be made, said trustees, or a majority of them, are hereby authorized to make a conveyance of said house and lot of land to the purchaser, which deed shall vest in the purchaser all the right and title which the said trustees of the town of Greensburg or the county of Greenup may have in and to said lot of land, with the appurtenances thereunto belonging.

[Approved February 17, 1835.]

CHAP. 704.—AN ACT to amend the law for the benefit of Frances Kerchival.

County court
of Logan to
make allow-
ance for her
support.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the county court of Logan county to make a reasonable and competent allowance for the support of Frances Kerchival, out of their county levies, as long as she requires aid and support, a majority of all the justices concurring therein, any law to the contrary notwithstanding.

[Approved February 17, 1835.]

CHAP. 705.—AN ACT for the benefit of Aylett H. Buckner, and Charlotte, his wife.

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Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be as lawful for Aylett H. Buckner and Charlotte F. Buckner, his wife, to sell and convey any estate belonging to either, as if the said Charlotte F. Buckner was of the age of twenty-one years, and deed made by them according to the existing laws, shall be sufficient to pass their estate.

Authorized to sell and convey real estate.

[Approved February 17, 1835.]

CHAP. 706.—AN ACT to amend an act, entitled an act to establish a Medical Institute in the City of Louisville.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the board of managers shall be elected by the members of the institute, and may be selected from any rank or profession, except the medical, and when elected, they may choose their own president and moderator. And whereas, the said institute has elected John Rowan, Edward Crow, James Guthrie, J. B. Bowles, R. B. M'Ilvain, W. S. Vernon, B. Cawthorn, Henry Pittle, and William Garvin, who are now in office: Therefore,

Board of managers.

SEC. 2. *Be it further enacted,* That said persons shall continue in office until their offices respectively are vacated by death, resignation or removal from the county.

Their continuance in office.

SEC. 3. *Be it further enacted,* That the said board of managers shall cause a fair record to be kept of their proceedings; and shall report annually, for the use of the members of the institute, a true statement of its finances, and all matters relating to the institute, and what it has done for the advancement of medical science.

To keep a record of their proceedings.

SEC. 4. *Be it further enacted,* That sections third, fourth and fifth, of the act to establish a medical institute in the city of Louisville, be, and the same are hereby repealed.

Repealing clause.

[Approved February 17, 1835.]

CHAP. 707.—AN ACT allowing an additional Justice of the Peace and Constable to the county of Shelby.

Whereas, it is represented to the general assembly, that an additional justice of the peace is much needed

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in the neighborhood of Connersville in Shelby county:
Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That there shall be allowed to the county of Shelby one additional justice of the peace, and one additional constable to said county, who shall reside at the time of his appointment, in the town of Connersville.

[Approved February 17, 1835.]

CHAP. 708.—AN ACT to change the name of the Princeton Seminary, and increase the number of Trustees.

Name changed

Trustees appointed.

Vacancies in the board, how filled.

Time of meeting.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the name of the Princeton Seminary be changed to that of the Caldwell Seminary, that the board of trustees of the Caldwell seminary shall hereafter consist of not more than nine, a majority of whom, shall constitute a quorum to do business, and that Preston B. McGoodwin, Francis W. Ewry, Wm. Wadlington, John O. Harra, Caleb C. Cobb, John W. Marshall, James N. Gracey and John Hallic, be, and they are hereby appointed, trustees of the Caldwell seminary; who shall have power to fill vacancies in the board, a majority of those in office, concurring, and shall meet at Princeton, or such other place agreed upon by them, on the first Mondays in April and October in each year, and as much oftener as they may think necessary, a majority of whom, shall have power to transact all business relative to the interest and benefit of the institution, and the disposition of the funds thereof.

[Approved February 17, 1835.]

CHAP. 709.—AN ACT to prevent Justices of the Peace from being taken or received as Securities in Bonds executed in their Courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter it shall not be lawful for any justice of the peace in this commonwealth to be taken as a security in any bond, required by law to be executed in, and before the court, of which he is a member.

[Approved February 17, 1835.]

CHAP. 710.—AN ACT to amend the laws relative to the Estate of the late John Breckenridge, deceased.

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SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Fayette circuit court may have jurisdiction and power to authorize Robert J. Breckenridge, the present trustee, or any other that may hereafter be appointed, upon the application of those interested, to sell and convey, by himself or agent, any estate which was of the said John Breckenridge, deceased, and which remains undivided amongst his representatives.

Fayette circuit court authorized to decree a sale of land.

SEC. 2. *Be it further enacted,* That said court may, in its discretion, vest in Peter B. Porter, the natural guardian of Elizabeth Letitia Porter, and Peter Augustus Porter, who are of the descendants of said John Breckenridge, power and authority, in all things, to represent their rights and interests, growing out of said estate, and to dispose of the same; and the said court may, in its discretion, require of said Porter bond and security, for the faithful appropriation of the proceeds of the said estate for the benefit of his said wards.

May vest power in the guardian of infants to represent them.

[Approved February 17, 1835.]

CHAP. 711.—AN ACT for the benefit of Holbert M'Lure and William Fish, both of Rockcastle County.

Whereas, it is represented to the general assembly, that Samuel Wilson, the former surveyor of Rockcastle county, did, on the 18th day of October, 1826, execute and make a survey of two hundred acres of waste and unappropriated land in Rockcastle county, in the name, and for the benefit of Holbert M'Lure, of said county, by virtue of two Kentucky land office treasury warrants, and in the name of Polly M'Mannis; and the other, in the name of Caty Searbrough, both warrants assigned to said Holbert M'Lure, and that long since, said warrants have been lost or mislaid, so that they cannot be found: and, whereas, it is further represented, that Jesse Fish, the late surveyor of Rockcastle county, did, on the 14th day of May, 1831, execute and make a survey of one hundred acres of waste and unappropriated land in Rockcastle county, in the name, and for the benefit of William Fish, of said county, by virtue of two Kentucky land office treasury warrants, one in the name of said William

Preamble.

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Fish, and the other in the name of Elisha Smith, assignee of the said William Fish; and that said two warrants were accidentally and unavoidably destroyed: For remedy whereof,

Register to receive plats and certificates of survey, and issue patents.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the register of the land office is authorized and directed to receive and register said plats and certificates, or copies thereof, and issue patents, as in other cases, to the said M'Lure and Fish.

Further time given to return plats, &c.

SEC. 2. *Be it further enacted*, That the said Holbert M'Lure and William Fish shall have the further time of six months, after the passage of this act, to return said plats and certificates, or copies thereof, during which time they shall have the pre-emptive right to said land, any law to the contrary notwithstanding.

[Approved February 17, 1835.]

CHAP. 712.—AN ACT changing the time of holding the Logan and Simpson County Courts.

Logan.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That hereafter the county courts of the county of Logan, shall be held on the third Mondays in each and every month, instead of the days on which the said county courts of said county are now by law required to be held, and that all laws coming within the provisions of this act, shall be, and the same are hereby repealed.

Simpson.

SEC. 2. *Be it further enacted*, That the Simpson county courts shall be held on the fourth Mondays in each and every month, instead of the second Mondays as heretofore authorized, any law to the contrary notwithstanding.

[Approved February 17, 1835.]

CHAP. 713.—AN ACT to extend and continue in force, an act for the benefit of Stephen Langford, approved Jan. 30, 1833, and for other purposes.

Former act continued.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an act entitled, an "an act for the benefit of Stephen Langford," approved January the thirtieth, eighteen hundred and thirty-three, be, and the same is hereby extended and con-

tinued in force two years from the time the above recited act expires, any law to the contrary notwithstanding.

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SEC. 2. *Be it further enacted*, That in case the said Langford shall succeed in obtaining salt water at any time while the above recited act is in force, that in his opinion will justify working the same, the said Langford shall have the liberty of carrying into grant the said one thousand acres of land, without the state price being paid for the same; and the register is authorized and directed to issue the patent or patents accordingly.

Land appropriated.

[Approved February 17, 1835.]

CHAP. 714.—AN ACT to establish a State Road from Hopkinsville to Smithland.

Whereas, it appears to the general assembly of Kentucky, that it would greatly conduce to the convenience and interest of the public, to cause a state road to be opened from Hopkinsville, by the way of Jas. F. Mitcheson's, Millville and Eddyville, to Smithland: Wherefore,

Preamble.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Samuel Lander of Christian county, Braxton Wall of Trigg county, Jas. F. Mitcheson and James Clark of Caldwell county, and William Jones of Livingston county, be, and they are hereby appointed commissioners, whose duty it shall be, or a majority of them, to view and mark out the best and most practicable route for a road from Hopkinsville by way of the points designated herein, to Smithland; and said commissioners shall make a correct return of all their proceedings to the county courts of each county through which said road passes, in the month of April next, if practicable, if not, so soon thereafter as may be; and thereupon, it shall be the duty of said county courts to proceed thereon, in the manner prescribed by an act, approved January 13, 1831, establishing a state road from Hopkinsville by way of Cadiz, Canton and other points, to Columbus, on the Mississippi river.

Commissioners appointed to view and mark the road.

SEC. 2. *Be it further enacted*, That each commissioner shall receive one dollar and fifty cents out of the next county levy, of the county in which he may reside, for each day he may be necessarily employed in

Commissioner's pay.

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County courts
not to change
the road, but
to appoint over-
seers.

the aforesaid viewing, by his returning a certified account of the same, to the court of claims; and after said road shall be opened, it shall not be changed or altered by order of the county courts of the counties through which the same may run. But they shall, at all times, appoint overseers, and a sufficient number of hands, to open and keep the same in repair.

[Approved February 17, 1835.]

CHAP. 715.—AN ACT for the benefit of the First Presbyterian Church in Lexington.

Preamble.

Whereas, the members of the first Presbyterian congregation in the city of Lexington, in a general meeting of the same, have requested of this legislature, the passage of an act authorizing the trustees of said congregation to dispose of certain leasehold estates they hold in said city, and also, a part of their real estate, in order to improve and add to their present house of worship, and for other purposes: Therefore,

Authorized to
sell real estate.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That a majority of the trustees of said congregation for the time being, be, and they are hereby vested with full power to sell any of such leasehold estates, and real estates in the city aforesaid, for said purposes.

[Approved February 17, 1835.]

CHAP. 716.—AN ACT to apply the Fines and Forfeitures of Bourbon County, to the lessening the County Levy.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the fines and forfeitures in the county of Bourbon, shall hereafter be paid over to the county court of Bourbon, or to their order, and be applied by said court to the lessening the county levy of said county.

[Approved February 17, 1835.]

CHAP. 717.—AN ACT to establish a Road from Taylorsville, in Spencer County, in the direction of Harrodsburg, to intersect Delaney's Old Road leading from Bardstown to Lexington.

Preamble.

Whereas, the commissioners, appointed by an act entitled an act to establish a road from Harrodsburg

to Taylorsville, approved February the fifth, eighteen hundred and thirty-four, have failed to view and mark a way for said road pursuant to said act: Therefore,

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SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Redman G. Thomas of Nelson county, Mark E. Huston, Matthew Wakefield, and Amos V. Skinner of Spencer county, be, and they are hereby appointed commissioners, who, or any three of them, shall view and mark the nearest, best, and most practicable way for a road from Taylorsville in Spencer county, to intersect Delaney's old road, leading from Bardstown to Lexington, at, or near Timothy Marshall's or Seina Clark's; and said commissioners shall, upon oath, make a return of said view to the county courts of said counties; and thereupon, it shall be the duty of said courts to order summonses to be issued to the proprietors and tenants of the land within their respective counties, through which said road shall be viewed, to appear and show cause why said road should not be opened; and upon the return thereof, if any proprietor or tenant so desire, the court shall order a writ of *ad quod damnum* to issue, directed to the sheriff of the county, who shall proceed thereon, in the manner prescribed by the act passed February the twenty-fifth, seventeen hundred and ninety-seven, concerning public roads; upon the return of the inquests of the sheriffs, the courts of said counties shall respectively order, that said road shall be opened forty feet wide, in the manner prescribed by the above recited act, and shall levy on their counties respectively, at the next levy to be laid, the damages assessed, and the costs of the inquest, and direct them to be paid to those respectively entitled thereto.

Viewers appointed, and their duty.

Duty of the county courts.

SEC. 2. *Be it further enacted*, That each commissioner shall receive one dollar and fifty cents, out of the next county levy, of the county in which he may reside, for each day he may necessarily be employed in the aforesaid viewing, by his returning a certified account of the same to the court of claims; and after said road shall be opened, it shall not be changed or altered by order of either of the county courts, of the counties through which the same may run, without the consent of the others,

Viewer's pay.

SEC. 3. *Be it further enacted*, That said act, entitled an act to establish a road from Harrodsburg to Taylorsville, approved February the fifth, eighteen hun-

A former act repealed, and another revived

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dred and thirty-four, be, and the same is hereby repealed; and that the act entitled, an act to authorize the establishment of a road from Harrodsburg to the Lexington road from Bardstown, and for other purposes, approved January the twenty-second, eighteen hundred and thirty-three, be, and the same is hereby revived.

[Approved February 20, 1835.]

CHAP. 718.—AN ACT to Regulate the guaging of Spirituous Liquors in the City of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the persons appointed by the mayor and council of the city of Louisville, to guage whiskey and other spirits, in the city of Louisville, to ascertain the true degree of each cask, whether the same be above or below the standard degree of proof, and to mark on the cask in plain letters, or figures, the degree of proof, above or below, the standard degree of proof; and for each failure to comply with the requisitions of this act, the guager shall forfeit and pay the sum of four dollars, and costs, recoverable by warrant, in the name of the owner of the spirits guaged.

[Approved February 20, 1835.]

CHAP. 719.—AN ACT for the benefit of the Heirs of Patsey Patton.

Power given to
convey real es-
tate.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That John Patton be, and he is hereby fully authorized and empowered to convey unto Jas. B. Dorton and Wm. Dorton, the one undivided eleventh part of the real estate of Moses Dorton, deceased, which he sold unto them, and to demand, sue for and collect the purchase money arising from said sale, as fully and completely as the same might or could have been made by the said Patton, and Patsey Patton his wife, during her life: *Provided,* said John Patton execute bond with approved security, in the Knox county court, in the penal sum of three thousand dollars, to be void on condition that said Patton truly and faithfully collect and pay over, in equal portions, to his three children, Catharine, Mary and James, by his wife Patsey Patton, or their guardian or guardians, the purchase money arising from the sale of said real estate, with the interest accruing thereon.

Proviso.

[Approved February 20, 1835.]

CHAP. 720.—AN ACT to authorize Carrol C. Blinco and Emeline Blinco, his wife, to sell and convey a tract of land lying in Nelson County.

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Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Carrol C. Blinco and Emeline Blinco, his wife, be, and they are hereby authorized to sell and convey a certain tract of land devised by Samuel Pottinger, deceased, to Emeline Blinco, lying and being in the county of Nelson, and containing about one hundred and fifty acres.

[Approved February 20, 1835.]

CHAP. 721.—AN ACT for the benefit of the Widow and Heirs of Robert Ramey.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the ferry granted to Robert Ramey, across the Mississippi river, shall be, and the same is hereby vested in the widow and heirs of the said Ramey, in the same beneficial manner it was vested in the said Ramey.

[Approved February 20, 1835.]

CHAP. 722.—AN ACT for the benefit of Samuel Moore, and others.

Whereas James Moore and Joseph Moore, two of the children and devisees of James Moore, deceased, late of Shelby county, with Samuel W. Moore, hold jointly, by purchase, a tract of land of one hundred acres, in said county: therefore,

Preamble.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the said James and Joseph Moore, to file, jointly, with the said Samuel W. Moore, a bill in chancery, in the Shelby circuit court, setting forth a particular description and value of said property; and if it shall appear to the judge of said court, that a sale of the interest of said infants, jointly with that of the said Samuel W. Moore, will rebound to their interest, it shall be lawful for the judge of said court, to decree a sale of said land, and to decree a distribution of the proceeds thereof, according to the interest of the parties.

A sale of land authorized.

SEC. 2. *Be it further enacted,* That the circuit court of Shelby county shall have power, and it shall be the

Proceeds of the sale to be paid.

1835

duty of said court, to cause the share of said money, arising from the sale of said property of said infants, to be paid over to their guardian, on his or her giving bond and security to account to the infants, for the principal and interest, on their respectively arriving at lawful age.

[Approved February 20, 1835.]

CHAP. 723.—AN ACT for the benefit of the Heirs of George and John Graham.

A sale of real estate authorized.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the adult heirs of George and John Graham, in person or by attorney, and for the infant heirs of the said George and John Graham, by their guardian or next friend, to file a petition, in the nature of a bill in chancery, in the Greenup circuit court, setting out what lands they hold from their ancestors, in the state of Kentucky, and the situation of the land, and the condition of the title; and it shall be the duty of the court to appoint a commissioner to examine into the condition of the lands, and the titles, and their value; and it shall be lawful for the Greenup circuit court, if it shall appear to be the interest of the said heirs, to have said land sold, to decree a sale and appoint a commissioner to make either a public or private sale, on such terms and credits as said court may think most to the interest of the parties; and said court shall distribute the proceeds among said heirs, on equitable principles, from time to time, and cause the shares of the infants to be placed at interest, or paid to their guardians, on satisfactory security being given; and the court shall, after confirming any sale or sales made by the commissioner, cause the land so sold to be conveyed, on the payment of the purchase money, or a lien to be retained in the conveyance, for the purchase money; any conveyance made by a commissioner of the court, under its order, shall be effectual to pass the estate of the said heirs.

[Approved February 20, 1835.]

CHAP. 724.—AN ACT to enlarge the Jurisdiction and Powers of the Trustees of Owenboro', in the County of Daviess.

Whereas, since the establishment of the town of Owenboro', an addition has been made thereto, both in in lots and out lots: therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the powers and jurisdiction of the trustees of the town of Owenboro', be extended so as to embrace the whole in-lots and out-lots, which are included in the plot of the town of Owenboro', as now of record in the county of Daviess.

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[Approved February 20, 1835.]

CHAP. 725.—AN ACT to allow some additional ground to be attached to the Town of Maxville, in Washington County, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the limits of the town of Maxville, in the county of Washington, shall be, and the same are hereby enlarged to the following boundary, to-wit: beginning at the corner of Moses McCoun's lot on the first branch north of said town, and running up said branch to the lower corner of John M. Williams' lot on said branch; thence south, with the line of said lot, to the present limits of said town; and thence west with the present limits of said town to the said McCoun's lot; thence north with said lot to the beginning.

Addition to
Maxville.

SEC. 2. *Be it further enacted,* That the trustees of said town shall have power and authority, when they may think proper, to open streets and alleys through the said addition of land, as they now have over the present limits of said town, and to levy and collect tax thereon.

Power of the
trustees.

SEC. 3. *Be it further enacted,* That the provisions of an act, entitled an act to authorize the sale of part of the public ground in the town of Perryville, by commissioners, approved January the 24th, 1827, shall extend to, and embrace so much of the public ground in the town of Perryville, as is situated south of the cross street, passing the late residence of Edward Bullock, deceased, and north of the most southern cross street in said town; and that it shall and may be lawful for the commissioners hereinafter named, to lay off into lots, sell and convey the public ground lying between the cross street aforesaid, passing the late residence of Edward Bullock, deceased, and the most southern cross street in said town, in the same manner, and under the like rules and regulations, that are prescribed

Public ground
in Perryville to
be sold.

1835

for the sale of other public grounds in said town, by the before recited act.

Commissioners
to make sale.

SEC. 4. *Be it further enacted*, That William Wade, Isaiah Calvert and John A. Burton, be, and they are hereby appointed commissioners to lay off, sell and convey the public ground in said town, by this act authorized to be sold.

Powers and
duties of the
commissioners.

SEC. 5. *Be it further enacted*, That the commissioners appointed by this act, shall be, and they are hereby authorized and empowered to call upon and demand from the commissioners appointed by the before recited act, or such of them as may have received any part of the proceeds of the public ground, authorized by said act to be sold, an account for, and settlement of the said proceeds, and to collect the same from the said commissioners and from purchasers under this act, by suit, in their names, or by compromise, as to them may seem most expedient, and when collected, to apply the proceeds as directed by the above recited act.

[Approved February 20, 1835.]

CHAP. 726.—AN ACT to incorporate the Louisville Museum Company.

Preamble.

Whereas, the museum founded by James R. Lambdin, is an institution honorable to the city of Louisville, as a repository of much useful knowledge; and it is important that a collection so large, should be placed beyond the chance of division, and that its improvements should be conveyed and secured by consolidating its interests. And whereas it has been represented to the legislature, that the said James R. Lambdin and company, have conveyed the said museum and all right, title and interest, to Samuel Caseday and John Linton, who have nominated and appointed B. R. McIlvaine, Garrett Duncan, John P. Bull, James Guthrie, John Linton, Joshua B. Bowles and James Anderson, Jr. trustees, for the use of the holders and owners of shares into which the property or ownership of the said museum, is or may be divided, for the purpose, at the same time, of perpetuating the same for the public benefit, and of securing a moderate compensation for the expense and labor attending the preparation and exhibition; and the said James R. Lambdin, as well as the said trustees and shareholders, are desirous of obtaining a charter of

incorporation to effect the purposes aforesaid: therefore,

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SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That B. R. McIlvaine, Garrett Duncan, John P. Bull, James Guthrie, John Linton, Joshua B. Bowles and James Anderson, Jr. and their successors, to be elected as hereinafter mentioned, shall be, and they are hereby declared to be a body politic and corporate, in deed and in law, by the name and style of the Louisville Museum Company, and by the same name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, in all courts of record and elsewhere, and shall be competent and capable in law and equity, to take and to hold, for them and their successors for the use of said museum, land, tenements, hereditaments, goods and chattels, of whatsoever kind, nature or quality, real, personal or mixed, by gift, grant, bargain, sale, conveyance, assurance, will or bequest, from any person or persons whomsoever, capable of making the same, and the same from time to time, to grant, bargain, sell, demise, alien or dispose of, for the use of the said museum, and to rent, purchase, or erect such buildings or place of exhibition as may be necessary, and generally to do, all and singular, the matters and things, which shall be lawful for them to do, for the well being of said museum, and the due management and ordering the affairs thereof.

Company incorporated, and their powers.

SEC. 2. That the capital stock or common property of the said corporation shall be divided into, and consist of three thousand shares, of the value of fifty dollars each, and which may be sold from time to time, as the trustees shall direct, and shall be transferable only in person, or by attorney in writing, upon the books of said corporation, and in the presence of the manager thereof.

Capital stock.

SEC. 3. That a general stated meeting of the stockholders shall be held at the museum, on the first Monday of January in each and every year, at such hour as shall be designated by the trustees, of which ten days notice shall be given in one of the daily gazettes of the city of Louisville, where and when an election for seven trustees shall be held, to serve one year: *Provided*, That the first election shall take place on the first Monday in March, one thousand eight hundred and thirty-five; until which time, the trustees aforesaid, shall continue to perform the duties, and ex-

Annual meeting.

Trustees to be elected.

Proviso.

1835

Trustees to
continue in of-
fice.

May fill vacan-
cies.

By-laws.

Misnomer not
to annul grant,
&c.

A manager to
be appointed.

His pay.

Museum not to
be removed
from Louisville

Special meet-
ings.

ercise the privileges aforesaid. Each share shall be entitled to one vote, either in person or by proxy. And it is hereby provided, that if, by any accident, no election should take place on the stated day, the trustees elected the previous year, shall continue in office until the next ensuing time of election as aforesaid; and so whenever an election shall have been omitted at the regular time, and in case of any vacancy at any time, it shall be competent for the remaining trustees to supply the same with like effect, as if the person so nominated by them had been duly elected by the shareholders at the stated time.

SEC. 4. That the trustees from time to time, shall have power to make by-laws, rules and regulations for the good government of the said museum, and the management of its fiscal concerns, as circumstances may require: *Provided, always,* That the said by-laws, rules and regulations, shall not be inconsistent with the constitution and laws of the United States, or the State of Kentucky, or with the privileges of this act.

SEC. 5. That no misnomer of said corporation shall defeat or annul any gift, grant, devise or bequest to said company.

SEC. 6. That the said trustees shall, on the first Monday in January of every year, or within ten days thereafter, appoint a manager to said museum, who shall have charge of the property, receive and arrange all additions, keep a regular account of income and expenditures, and shall receive such per cent, on the net amount paid by visitors, as a compensation for his services, as the trustees shall, from time to time, authorize and direct; and in case of his death, resignation or removal by the trustees, his place shall be supplied by them with all convenient despatch.

SEC. 7. That it shall not be lawful for the trustees or holders of capital stock of said corporation, at any time hereafter, to remove or cause to be removed, the said museum or any part thereof, from the city of Louisville, under the penalty of forfeiting to the corporation of the said city, double the amount of value of the articles so removed, to be recovered from any one or more of the trustees or shareholders, who shall have consented to, and authorized, such removal.

SEC. 8. That the trustees aforesaid shall call special meetings of the shareholders, whenever a majority of them shall deem it expedient, or whenever requested in writing so to do, by any number of shareholders,

who shall, together, be proprietors of at least one fourth of the whole number of shares; and the notice of such meetings shall be the same as that which is prescribed for the annual meetings; and the legislature reserve the right to alter, modify, or repeal this charter at pleasure.

[Approved February 20, 1835.]

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The right to
peal this law
reserved.

CHAP. 737.—AN ACT to provide for the more certain collection of the Tax on sales at Auction, in the City of Louisville.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That hereafter auctioneers in the county of Jefferson, shall renew and obtain license from the mayor and council of the city of Louisville, instead of obtaining them from the county court of Jefferson, as provided by an act, entitled an act imposing a duty on sales at auction, in the county of Jefferson; for the benefit of the Louisville hospital, approved December the seventeenth, eighteen hundred and twenty-one; and that auctioneers shall make monthly returns on the first Monday of each month, to the mayor and council of said city, as required by the second section of said act, instead of making quarterly returns to the judge of the fifth judicial district, and shall pay over the tax imposed by said act, to the order of the mayor and council of said city; and auctioneers shall annually renew their licenses before the mayor and council of said city, instead of before the county court of Jefferson; and the mayor and council shall cause the tax received from sales at auction, to be paid over to the president and managers of the Louisville hospital.

Auctioneers to
obtain licenses.

To make re-
turns monthly.

Renew their
bonds.

Tax to be paid
to Louisville
hospital.

SEC. 2. That all auctioneers who shall obtain license and make their regular monthly returns to the mayor and council, and pay over the tax, shall not be liable to be rated, or assessed and taxed by the city authorities, under the charter ordinances and by-laws: *Provided*, That the mayor and council shall have power and authority to contract with auctioneers to pay a less sum than two dollars on each one hundred dollars worth of property sold by them; and that said auctioneers shall not be bound to pay an auction tax on goods, wares and merchandize sold by them, otherwise than by auction; and in all cases where such contract has been made, the auction stores shall be liable to be rated, assessed and taxed as other stores.

Auctioneers
not to be taxed
by the city au-
thorities.

Proviso.

[Approved February 20, 1835.]

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CHAP. 728.—AN ACT for the benefit of the Heirs of Matthew Hawkins.

Register to issue a patent.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the register of the land office, to receive a plat and certificate of survey, for seven hundred acres of land made on a treasury warrant, number eleven thousand, one hundred and eighty-eight, and bearing date the fourteenth of September, seventeen hundred and ninety-eight, and to issue a patent for the same to the heirs at law of Matthew Hawkins, deceased: *Provided,* That said grant shall not be held to interfere with any prior or better claim.

[Approved February 20, 1835.]

CHAP. 729.—AN ACT for the benefit of the Devises of John C. Richardson, Senior.

Circuit court authorized to decree a sale of real estate.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the devisees of John C. Richardson, Sen. late of Fayette county, to proceed, under an act vesting jurisdiction in the circuit courts, to authorize the sale of the real estate of infants in certain cases, approved February the third, one thousand eight hundred and thirteen; and the circuit court of Fayette shall have the jurisdiction and authority to order a sale of the estate devised by the said Richardson, and which belong to the said devisees, that said court now has, by the act aforesaid, to decree a sale of the estate descended to infants, and under like limitations and restrictions.

[Approved February 20, 1835.]

CHAP. 730.—AN ACT to establish the Northern Bank of Kentucky.

Bank incorporated.

Capital stock.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That there shall be, and is hereby established, a bank, by the name of the Northern Bank of Kentucky, with a capital stock of three millions of dollars, to be divided into shares of one hundred dollars, and to be subscribed and paid for by this commonwealth, individuals, companies, and corporations, in the manner hereinafter specified; which subscribers and shareholders, their successors and assigns, shall be, and they are hereby created a

body politic and corporate, by the name and style of the President, Directors and Company of the Northern Bank of Kentucky; and shall so continue a body politic and corporate until the first day of May; one thousand eight hundred and sixty-five; and by that name, under the restrictions hereinafter prescribed, shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts or places, and in all matters whatsoever, as natural persons—with full power to acquire, hold, possess, use, occupy and enjoy, and the same to sell, convey, and dispose of all such real estate, goods, effects and chattels, as shall be convenient for the transaction of its business, or which may be conveyed to said bank, as surety for any debt, or which may be received in discharge of any debt, or purchased in satisfaction of any judgment or decree in favor of the bank, or in the purchase of any property, on which said bank may have a lien; and said bank may have and use a common seal, change, alter and renew the same at pleasure; and it may ordain and put in execution such by-laws, rules and regulations, for the good government of said bank, and the prudent and efficient management of its affairs, as may be thought most proper: *Provided*, They be not contrary to the constitution and laws of this state, or the United States.

Sec. 2. *Be it further enacted*, That the said bank shall have and keep its principal office of discount and deposit in the city of Lexington, and it shall have not less than three offices of discount and deposit in other parts of this state: *Provided*, That the president and directors of the principal bank shall not have power to establish more than four offices of discount and deposit. Its business shall be to loan money, discount promissory notes and bills, and deal in exchange; and it may issue bills and bank notes, payable to bearer on demand, at any of its offices of discount and deposit, but not of less denomination than five dollars; and it shall not issue any notes, bills, checks or orders, payable to bearer, other than such as are made payable on demand. The promissory notes made payable to any person or persons, and payable and negotiable at the principal office of discount and deposit, or any of the branches, and endorsed to, and discounted by said bank, shall be, and they are hereby put on the same footing as foreign bills of exchange; and remedy

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Duration of the charter.

Corporate powers.

Principal office of discount & deposit in Lexington, with power to establish branches.

Its business.

Negotiable notes placed on same footing of foreign bills of exchange.

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In what it may
deal.

may be had, jointly or severally, against the drawers and endorsers, and with like effect, except as to damages, and except that, in a regular course of administration, they shall have no other or greater dignity or priority of payment than other notes; and the said bank shall not, directly or indirectly, deal or trade in any thing except loaning money and exchange, and in gold or silver bullion, or in the sale of goods, chattels, rights and credits really and truly pledged for money lent and not redeemed in time, or goods which shall be the proceeds of its lands.

Notes, how
signed.

SEC. 3. That the bank or promissory notes to be issued by said bank, shall be signed by the president of the principal bank, and countersigned by the cashier thereof; and said bank shall be restrained from issuing checks or orders, payable at any of its offices or elsewhere, to any person or order, or to any person or bearer, with the intent that the said checks or orders shall circulate as bank notes.

Debts of the
bank not to ex-
ceed twice the
amount of the
capital.

SEC. 4. That said bank shall not, at any time owe, whether by bond, bill, note, or other contract, an amount exceeding twice the amount of the capital stock actually paid in, exclusive of sums due on deposits; and in cases of excess, the president and directors, under whose administration it shall have taken place, shall be liable for any or all of the debts of said bank, in their individual capacities, by a joint or several actions of debt against them or any of them, their heirs, executors or administrators, in any court having jurisdiction thereof, by any creditor or creditors of said bank, and shall be prosecuted to judgment and execution, any condition or agreement to the contrary notwithstanding: *Provided*, That if the president or any of the directors may be absent when the excess may be contracted or created, or being present, shall dissent from the act by which the excess is about to be contracted or created, he or they shall not be liable, under this section, if he or they shall, within ten days from the creation of such excess, or discovery thereof, make affidavit of their absence or dissent, and file the same for record with the recording officer of the city or county; and shall, moreover, within ten days, give notice thereof in one of the public newspapers printed in this state, and transmit a copy thereof to the governor of this state, for the time being; and shall, in said notice, call a meeting of the shareholders, which they are hereby authorized to do.

SEC. 5. *Be it further enacted*, That said bank shall not, at any time, suspend, fail, or refuse payment, in gold or silver, of any of its notes, bills, or other obligations, due and payable; or any moneys on deposit: and in case the officers, in the usual banking hours, at the office of discount and deposit where the same shall be payable, shall refuse or unreasonably delay payment, in gold or silver, of the amount of any note there demandable, and presented for payment; or the payment of any money previously deposited at such office, and then due and demandable by any person or persons entitled to receive payment of the same; said bank shall be liable to pay damages, at the rate of twelve per cent per annum on the amount thereof, from the time of such failure, refusal or delay, until payment thereof; and for such failure or refusal, or for any violation of this charter, the same shall be forfeited; and a *scire facias* shall be sued out, in the name of the commonwealth, by the attorney general; and such proceedings be had as to declare such forfeiture by the judgment of a court: and from and after the judgment of forfeiture, said corporation shall cease to exercise any of the powers and privileges hereby granted: *Provided*, said forfeiture shall not be construed to prevent said bank from suing and being sued, and continuing its operations, for the purpose of closing its concerns, nor from making any contracts that may be convenient and proper for that purpose.

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If it fail or refuse to redeem its notes in gold or silver the charter to be forfeited.

Proviso.

SEC. 6. That the real and personal estate, business, property, funds and prudential concerns of said bank, and the administration of its affairs, shall be under the direction, management and control of twelve directors, nine of whom shall represent the private stockholders, and three the commonwealth of Kentucky, chosen as hereinafter directed. They shall be stockholders, and after the first election, shall have been stockholders at least three months previous to their election: they shall be residents of this state and citizens of the United States; and after the first election, they shall be elected annually on the first Monday in May. Each director shall be a stockholder in his own right; they shall hold their offices for one year, and until their successors shall be chosen. The directors representing the private stockholders, shall be chosen by the shareholders, who shall meet at the annual elections in the city of Lexington, at such time and place

The directors.

To be elected annually.

1835**Elections, how conducted.****Who shall be eligible as director.**

as the directory for the time being shall direct; and notice of the time and place of holding the annual elections, shall be published in at least two authorized newspapers printed in Lexington, thirty days next preceding the election. The election shall be by plurality of votes, to be counted and read in public, after all the votes are taken; the elections shall be conducted under the direction of three shareholders, acting under oath, and previously chosen by the directory, and not of their own body. No person who is a director or officer of another bank, shall be eligible as a director in this bank; and any director becoming a director or officer in another bank, or while under protest in this bank, for the non-payment of debt, shall be held to have vacated the office of director in this bank; nor shall two partners in trade be eligible as directors in this bank at one and the same time; nor shall any person be a director of this bank who shall be a partner in trade or business, who shall, at the time, be a director of any other bank; and if the president, cashier, or any director shall fail or become insolvent, after his election or appointment, he shall become incapable to serve as an officer in this bank, and shall be held to have vacated his office or place; nor shall he be appointed to serve in this bank until his debts are paid, or until he obtains a full discharge from the same; nor shall any one who has ever failed in business, be eligible to the office of president, cashier or director in this bank, until all his debts are paid, or until he is fully discharged from the same. If from any cause, an election should not take place on the day fixed by this charter, the corporation, for that cause, shall not be dissolved, but the stockholders may hold an election on any other day the by-laws shall direct.

Number of the votes on stock.**May be voted on by proxy.**

SEC. 7. That at all meetings of the stockholders, and at all elections under this charter, each and every shareholder, whether individuals, companies or corporations, shall be entitled to one vote for each share held in their own right, up to fifty shares, and for every five shares over fifty, up to one hundred, one vote; and for every twenty shares over one hundred, one vote. After the first election, no share shall entitle the holder to a vote, unless the same has been held, by the person claiming to vote on the same, at least three months prior to that time, and so appear on the books of the bank. Any stockholder entitled to vote, may do so in person or by proxy, such proxy being granted

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to a stockholder who is not the president or a director, the clerk, cashier or teller of the bank; and any stockholder, who is not a citizen of the United States, shall not be entitled to vote on his stock.

SEC. 8. That the directors chosen for the principal bank, under the provisions of this charter, shall, as soon as may be, after the first, and every annual election or other election of directors, elect a president from their own body, who shall preside at the board until the next election; and in case of the death, absence or resignation, or vacation of the office of president, the residue of the directors shall choose a president *pro tempore*; they shall fill all vacancies which may occur in their own body, during the time for which they were chosen, and appoint a cashier, clerks, agents or servants of the principal bank, fix their compensation, define their powers, and prescribe their duties: and shall require of them such bonds, and in such penalties as they may deem right; which bonds shall be laid monthly before the directory, and an entry made thereof on record; and the directory may, from time to time, require such additional bonds and sureties, with such penalties and conditions, as in their opinion will secure the bank from loss or damage; and all such officers shall hold their places during the pleasure of the president and directors.

Directors to elect a president.

Fill vacancies in their own body, and elect officers, &c.

SEC. 9. The president and directors of the principal bank (any seven of whom shall form a quorum for the transaction of business) may, from time to time, make such by-laws, rules and regulations, for their own government, and for the management and disposition of the property, estate, funds and business of the bank, and all matters appertaining thereto, which they may deem expedient, not contrary to the provisions of this charter, or the by-laws, rules and regulations which the stockholders, at their annual or other meetings, may, from time to time, prescribe: *Provided, however,* That a concurrence of a majority of all the directors shall be necessary in the adoption of any of the by-laws of the institution.

President and directors may make by-laws, &c.

SEC. 10. The president and directors shall hold stated meetings at least once a week, on such days, and at such hour of the day as they may, from time to time, appoint, and at such other time as they may agree on; and they shall attend called meetings at any time the president shall so direct; and all questions before the board shall be decided *viva voce*; and on the request

To hold stated meetings.

Questions to be decided *viva voce*.

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of any two members, the yeas and nays on any proposition submitted, shall be entered or recorded on the journal of their proceedings; and no vote shall be reconsidered when a less number are present than when the vote was given.

Branches to be established.

Proviso.

The amount of capital to be employed in Lexington and the branches.

SEC. 11. The president and directors of the principal bank, shall establish not less than three branches, at such time and place as the president and directors may designate. The amount of capital which shall be employed at the principal bank, and at the several branches, shall be under the control of the president and directors of the principal bank, so as to employ the same most advantageously to the stockholders and the community; and the rights of the president and directors of the principal bank to change the location of a branch, which shall have been mismanaged, or shall have proved unproductive, shall be unquestionable: *Provided*, There shall not be employed more than one half of the capital stock actually paid in, as banking capital, in the city of Lexington, unless authorized by the legislature; and it shall be lawful to employ the first five hundred thousand dollars paid in by individuals, companies, and corporations, as banking capital in Lexington; and it shall then be the duty of the president and directors of the principal bank, to employ the residue of the capital stock, as paid in, to the establishment of branches, until one million of the balance of the capital stock paid in shall be employed in the branches; and thereafter one third of what shall be paid in shall be employed in the principal bank: *Provided, however*, That nothing in this section shall be so construed as to authorize and empower the president and directors of the principal bank to withdraw or remove any of the branches which may be located by them, so long as the same shall yield a neat dividend of six per cent per annum, upon the amount of capital which shall have been allowed to such branch, and shall be safely and properly managed and directed.

President, directors and the cashiers of the branches to be appointed by principal bank.

SEC. 12. The president and directors of the principal bank shall have power and authority to appoint a president, eight directors, and a cashier for each of the branches, taking care to appoint qualified stockholders as directors. They shall also prescribe such rules and regulations for the government of the branches as they may deem right, and shall have power to enforce the same.

SEC. 13. The directors of each of the branches shall appoint a clerk and such other officers as the president and directors of the principal bank shall direct: and not less than a majority of them shall form a quorum for the transaction of business.

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Clerks, &c. of the branches.

SEC. 14. That no dividend of the profits of said bank shall be declared until there shall be a surplus of twenty thousand dollars for each million of dollars of the capital stock of the bank actually paid in; and the surplus or contingent fund so raised, shall never be reduced below that ratio, on all stock paid for; and it shall be the duty of the president and directors of the principal bank, on the first Monday in January and July of each year, to declare a dividend of the profits over and above the contingent fund aforesaid, among the stockholders, payable to them on demand; of which dividend, and the time and place of payment, notice shall be given. And if, at any time, said president and directors shall declare a dividend lessening the capital stock, or lessening the contingent fund aforesaid, or by any mismanagement or neglect of duty, shall cause any loss or deficiency of, or in the capital stock of said bank, the directors consenting thereto, or guilty of such mismanagement or neglect of duty, shall be jointly and severally liable to the stockholders or any creditor of said bank who may be injured thereby; and the president and each director shall be deemed guilty of such mismanagement or neglect, or to have consented to such dividend, unless he forthwith give notice of his dissent thereto, or his absence from the institution, in like manner as provided in the fourth section of this charter, and call a meeting of the stockholders as herein provided.

Contingent fund.

Dividends to be declared.

SEC. 15. That it shall be the duty of the cashier of the principal bank, on the first day of July 1836, and on the first day of July in each succeeding year during the continuance of this charter, to pay to the treasury of this commonwealth, twenty-five cents on each one hundred dollars of stock held and paid for in said bank, which shall be in full of all tax or bonus: *Provided*, That the legislature may increase or diminish the same, but at no time shall the tax exceed fifty cents on each one hundred dollars of stock paid for in said bank.

Tax or bonus.

SEC. 16. That the board of directors of the principal bank shall allow to the president thereof, and to the presidents of the branches, such reasonable compensa-

The presidents' compensation.

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tion for their services as they may, from time to time, deem just; but no compensation shall be allowed to any director of the principal bank or any of the branches, unless the same be voted by the stockholders at some regular meeting.

Accounts of
cashiers to be
examined once
a month.

SEC. 17. That it shall be the duty of the president and directors of the principal bank, and they are hereby required, as often as once in every month, to cause a strict examination to be made of the accounts of the cashier, and a full and complete statement to be made and entered on the journal of the proceedings of the board; and they shall cause the president and directors of the several branches, to make a like monthly examination and statement of the accounts of the cashiers, to be made and entered on the journals of their proceedings.

Cashier and
other officers
not to engage
in any other
business, or be-
come indebted
to the bank.

SEC. 18. That it shall not be lawful for the cashier, clerk, teller or other subordinate officer of the principal bank or any of the branches, either directly or indirectly, to engage in or carry on any other business than that of said bank, without the special license of the president and directors of the principal bank; nor shall any of them, either directly or indirectly, become indebted to said bank, either as borrower, endorser, surety or otherwise.

Punishment
upon officers
defrauding the
bank.

SEC. 19. That if the cashier, clerk, teller, agent or other officer, of the principal bank, or any of the branches, shall, without the authority of the president and directors of the bank or branch, as the case may be, appropriate any of the funds of said corporation to his own use, or to that of any other person, or shall wilfully fail to make correct entries, or shall knowingly make false entries on the books of the bank, with intent to cheat or defraud the corporation or any person, to hide or conceal any improper appropriation of the funds of the corporation, the officer so offending shall be deemed guilty of felony, and shall, upon conviction thereof, be sentenced to confinement in the jail and penitentiary of this state, for a period of not less than five, nor more than twenty years.

President and
directors to
keep record of
proceedings in
the bank and
branches.

SEC. 20. That the president and directors of the principal bank shall keep a record or journal of all their proceedings, which they shall produce to the stockholders, when by them demanded at any regular meeting; and they shall be open to inspection and examination of the governor of this commonwealth, or any person duly authorized by him, or to any commit-

tee appointed by the legislature; and the president and directors of the principal bank, shall cause the president and directors of the branches to keep a record or journal of all their proceedings, which they shall produce to the president and directors of the principal bank, at all times; or to any person or persons authorized by them to inspect the same; and which shall be opened to the inspection of the governor of this commonwealth, or any person duly authorized by him; and to the stockholders at any general meeting, or to any committee appointed by the legislature.

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SEC. 21. That it shall be the duty of the president and directors of the principal bank, during the first week of the session of the legislature, in each year, to transmit to the secretary of state an accurate and just statement of the condition of the principal bank and branches, as it existed on the first day of the preceding month; which statement shall specify the amount of capital stock actually paid in, and the amount not paid in, and the value of the real estate belonging to the bank, and its cost, the total amount of the debts due to and from the bank, the amount of gold and silver and other coined metal and bullion on hand, the amount deposited, the amount of bills in circulation, and the amount of bills on hand of other incorporated banks, and the amount of notes in circulation of each denomination issued by the bank, the rate and amount of each dividend of profits made by the bank, with the amount of the surplus profits or the contingent fund; which statement the governor of the commonwealth shall cause to be laid before the legislature of Kentucky; and they shall, when required by the legislature, report all bad and doubtful debts.

Annual reports to be made to the secretary of state, and to be laid before the legislature.

SEC. 22. That the president, cashiers, directors, clerks, tellers, and other officers of the principal bank and branches, previous to entering on the discharge of their duties, shall take an oath, before some justice of the peace of this state, faithfully, honestly, impartially, and to the best of their skill and judgment, to discharge all the duties of their respective offices and stations under this charter, or which may be required of them by the by-laws, rules and regulations of the corporation.

The president, cashiers, &c. to take an oath of office.

SEC. 23. The said bank shall not contract for, or receive a greater rate of interest than at the rate of six per centum per annum, for the loan or forbearance of money; and interest on promissory notes, negotiable

Rate of interest to be received by the bank.

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and payable at said bank, and there discounted, shall be calculated on the true time such notes have to run, including three days of grace, and shall be paid in advance, and on banking principles, in conformity with Rowlett's tables of discount and interest.

Certificates of stock to be issued, made personal estate, & transferable.

Sec. 24. That the president and directors shall issue certificates of stock to the holders thereof, for so much as shall be paid for; and the shares of the capital stock of said bank shall be considered and held in law as personal property, and assignable and transferable only in such manner, and at such place or places as the president and directors of the principal bank shall, by their by-laws, prescribe.

Bank notes obligatory though not under seal, and how transferred.

Sec. 25. The certificates of deposite, bank bills, or notes, bills of exchange, post notes or orders issued by said bank, and signed by the president and countersigned by the cashier, promising or requesting the payment of money to any person or persons, and to order, or bearer, as the case may be, shall be obligatory on said bank, although not under its seal; and such of said notes, or bills, as shall be payable to order, shall be transferable by assignment, and those made payable to bearer, by delivery.

General meeting of stockholders.

Sec. 26. That the general meeting of the stockholders shall be held annually on the first Monday in May, in each year, in the city of Lexington, at the time of the annual elections; to which meeting the president and directors of the principal bank shall present an accurate statement of the condition and affairs of the bank; and general meetings of the stockholders may be called as provided in the charter, or by the president and directors of the principal bank, when they esteem it desirable, or by any number of stockholders the by-laws of the corporation shall require.

Legislature may investigate affairs of bank.

Sec. 27. The legislature shall have the right to investigate the situation and affairs of said bank, by any committee they may appoint for that purpose, from time to time.

Forfeiture of charter, how tried.

Sec. 28. The general court shall have jurisdiction to try the forfeiture of this charter, for the violations of any of the provisions of the same. The proceedings shall be by *scire facias*, alleging and specifying the acts of forfeiture relied on; and shall only be sued out at the instance of the attorney general, when directed to do so by order of the legislature.

Commissioners to open books

Sec. 29. That John W. Hunt, John Brand, Jno. Tilford, Benjamin Gratz, Leslie Combs, Charles Carr,

Dudley M. Craig, Walter Dunn and Robert S. Todd, shall be, and they are hereby constituted and appointed commissioners to open books and receive subscriptions for the capital stock of said bank, and to superintend the election of the first board of directors; any three of whom shall be competent to exercise the powers and perform the duties required by this section.

SEC. 30. The said commissioners shall have power, and they are authorized and required, on the second Monday of April, 1835, or at such other time within twelve months thereafter, as they shall deem expedient, having given not less than thirty days' notice thereof, in some of the newspapers printed in Lexington and Louisville, to open books for the subscription of capital stock of said bank, at Lexington and Louisville, and at such other places within the state, as they may deem advisable, and cause said books to be kept open from ten o'clock in the morning, until two o'clock in the evening, for at least twenty days, and until at least ten thousand shares shall have been subscribed, when the same may be closed; and if more than twenty thousand shares shall have been subscribed by individuals, companies and corporations, the said commissioners shall deduct the excess from the largest subscriptions in such manner that no subscription shall be reduced and leave the subscription of any other larger; and said commissioners may, if they deem it advisable, cause books to be opened for the subscription of any part of the stock they may direct, in any of the principal cities of the United States, on such days as they may deem advisable: *Provided*, That the duties to be performed under this section, may be done by the commissioners, or any three of them, or by such persons as they may think proper to appoint.

SEC. 31. That if the whole twenty thousand shares of capital stock shall not be taken when the books of subscription shall first be opened by the commissioners, the president and directors may cause the books to be opened, annually, on the first Monday in May, or at such other time in the year as they may direct, and cause them to be kept open not less than twenty days, or until the whole balance shall be taken; and the president and directors may require such premium on the stock sold at the re-opening of books, as they shall deem right, and such premium shall be the property of the bank.

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for subscription
of stock.

Powers and
duties of com-
missioners.

Books to be re-
opened annual-
ly till the stock
is taken.

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First election
of president &
directors.

SEC. 32. That when not less than ten thousand shares of the capital stock shall have been taken, and the commissioners shall have closed the books, it shall be their duty to give notice, in some public newspapers printed at each of the places where the books may have been opened and stock subscribed, and appoint a day and place in the city of Lexington, for the election of the first board of directors for said bank, who shall hold their offices until the succeeding annual election; and not less than thirty, nor more than sixty days' notice shall be given of the time and place of electing the said board of directors; and some three of the commissioners shall act as inspectors of the election, and shall take the proper oaths, and perform all the duties of inspectors of elections in like cases.

Payments for
stock, how to
be made.

SEC. 33. That the payment of the shares of the capital stock held by individuals, companies and corporations, shall be made in gold and silver, and at the times and in the manner following, to-wit: five dollars on each share; to the commissioners at the time of subscribing, and five dollars on each share within ten days after the election of the first board of directors, and twenty dollars on each share within sixty days thereafter, and the residue shall be paid in such instalments as the president and directors of the principal bank shall require: *Provided*, That not more than twenty dollars shall be called at any one time on each share, nor shall the time between the calls be less than ninety days.

Stock may be
forfeited for
non-payment of
the instalments
thereon.

SEC. 34. That should any of the subscribers to the capital stock of said bank fail or refuse to pay for their stock as herein provided, the president and directors, first giving public notice in at least two public authorized newspapers printed in this state, for the space of thirty days, by a resolution entered on the records, may forfeit such stock, and proceed, at such time as they may deem expedient, to re-sell the same; and all partial payments made on any stock which shall be forfeited, shall be held for the benefit of the bank.

Subscription
for stock on the
part of state,
how made.

SEC. 35. That the governor of this commonwealth shall be, and he is hereby authorized and directed, within ten days after the commissioners shall notify him that ten thousand shares of the capital stock of said bank has been subscribed by individuals, companies or corporations, to subscribe for, and on account of the commonwealth, ten thousand shares of the capital stock of said bank; and he is further authorized and di-

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rected, when the third instalments shall have been paid by individuals, companies and corporations, on the request of the president and directors of said bank, to pay for five thousand shares thereof, by executing to said president and directors the bonds or scrip of this commonwealth, for five hundred thousand dollars, in such amounts as they may require; bearing on the face an interest of five per cent per annum, payable by this commonwealth on the first Mondays of January and July, in each year, at the principal bank, and redeemable, at pleasure of the commonwealth, at any time within five years after the expiration of this charter; and when one million of dollars shall have been paid into said bank by individuals, companies and corporations, the governor of this commonwealth is further authorized and directed, on the application of the said president and directors, to pay for five thousand additional shares of said stock, by executing the like bonds or scrip of this commonwealth, for five hundred thousand dollars, bearing like interest; which bonds and scrip shall be received by said president and directors as payment in full for ten thousand shares of said stock; and it shall be lawful for the said president and directors of said bank to sell and transfer said bonds or scrip, and by endorsement thereon, to agree and bind the bank to pay the interest, either annually or semi-annually, to whoever may be the holder of the same, without any demand being made upon the state for the interest thereof, at any place or places within the United States; and said bonds or scrip shall be transferable at such place or places, and in such manner as the president and directors shall prescribe by their by-laws; but the same shall at no time be sold or transferred, or otherwise disposed of by the president, directors and company of said bank, for a less sum than the nominal amount of any such bond or scrip, with the interest which may be due thereon; and it shall be the duty of the president and directors of said bank, out of the amount of dividends which will be due the commonwealth on the stock, to redeem the aforesaid bonds or scrip, for interest, without charge; and the residue of such dividends is hereby set apart for the payment of the interest upon such loan as the state may make for internal improvement, until otherwise directed by law. The governor of this commonwealth for the time being, shall annually nominate, and with the advice and consent of the

Directors on
part of state to
be appointed.

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senate, appoint three directors on the part of the commonwealth, in this institution, who shall hold their office until their successors may be duly appointed and qualified; and if any director thus appointed, shall vacate his office by death, removal from the state, resignation, or otherwise, the governor is hereby empowered to fill the vacancy; and should said bank go into operation during the recess of the senate, the governor shall, as in other cases, make a *pro tempore* appointment: *Provided, nevertheless,* That in lieu of paying the subscription authorized on the part of the state, in bonds or scrip, as herein provided, the said subscription may be paid in gold or silver; and the governor is hereby authorized to execute and sell the bonds or scrip of this commonwealth, redeemable at the pleasure of the state after twenty years, and within five years after the expiration of this charter, for the payment of the several instalments on the part of the state: *Provided,* The said scrip can be sold at a less rate of interest than five per cent per annum, or for more than its nominal amount at that rate; and in the event of such sale, it shall be the duty of the bank to pay the interest on said scrip, in the same manner as is provided by this act, should said subscription be paid in said scrip.

When bank is
to commence
business.

SEC. 36. That so soon as three hundred thousand dollars of capital stock shall have been paid in by individuals, companies, or corporations, in gold or silver, the president and directors shall cause the governor of this commonwealth to be notified thereof, who is hereby authorized to appoint some suitable person to count the money so paid in as capital stock, and to take the oath of the president, and not less than six of the directors, that the same has been paid in as stock, *bona fide*, and make due return thereof to him; and on such appearing to be the fact, the governor is authorized to issue his proclamation, that the amount hereby required to be paid in, and in the funds hereby required, has been done, and the said bank is authorized to commence operations as a banking institution; and from and after the first proclamation, it shall be lawful for said bank to commence business.

The amount of
stock to be held
by individuals.

SEC. 37. That no one individual, company, or corporation, shall be allowed to hold more than two thousand shares of the capital stock of said bank, either in their own names, or in the name of others in trust for them; and all stock that any individual, company

or corporation shall take or hold contrary to this provision, shall be forfeited to the bank for the benefit of the other stockholders; and no individual, company or corporation shall be allowed, in person or by proxy, to vote at the first election of directors, on any stock which may stand in his, her, or their names, without first making oath that the stock, *bona fide*, belongs to them, and is not held in trust for others.

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SEC. 33. *Be it further enacted,* That if any stockholder or stockholders in said bank, who shall not be a citizen or citizens of the United States, shall vote, or authorize any person to vote at the election of directors for said bank, upon the stock held by such person or persons not a citizen or citizens of the United States, or which may be held by others for his or their use and benefit, that such stock so held, and which may have been voted upon, or authorized to be voted upon, at any of the elections for directors of said bank, shall be forfeited by such stockholder or stockholders to and for the use of said bank.

No stock to be voted on unless by *bona fide* owners thereof.

SEC. 39. *Be it further enacted,* That the president and directors of the principal bank shall have power and authority to purchase and transfer any scrip or bonds which may be issued by the state, not exceeding one million of dollars.

President and directors have power to purchase & transfer scrip.

SEC. 40. *Be it further enacted,* That the president and directors of the principal bank, may, under the direction of such agent or agents, as they may think proper to appoint, keep open books for the transfer of the stock of said bank, at such places, and under such regulations and by-laws, as they may deem proper.

May keep open books for transfer of stock.

SEC. 41. *Be it further enacted,* That the bills or notes of said corporation, originally made payable to bearer, shall be receivable in all payments to the state, and on account of county levies, so long as it shall redeem its notes in gold or silver on demand, unless otherwise directed by law. [Approved February 20, 1835.]

Notes receivable in all payments to state, and for county levies.

CHAP. 731.—AN ACT to add an additional Justice of the Peace for Floyd and Pike County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That there shall be added one additional justice of the peace for Floyd county, and also one additional justice of the peace for the county of Pike. [Approved February 20, 1835.]

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CHAP. 732.—AN ACT to reduce the price of Public Lands west of Tennessee River, and for other purposes.

Price of lands reduced.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That from and after the passage of this act, the price of the vacant and unentered public lands west of Tennessee river shall be, and the same are hereby reduced to the sum of twelve and one half cents per acre, at which price the said vacant lands may be entered with the receiver of public moneys, as heretofore.

A pre-emptive right given to actual settlers for nine mo's.

Proviso.

Further proviso.

SEC. 2. That it shall not be lawful for any person within nine months after the passage of this act, to enter any quarter section, or fractional quarter section of land, which has been improved by any actual settler in the land district west of the Tennessee river, at the passage of this act; and any entry made contrary to the provisions of this act, is hereby declared null and void: *Provided*, That no settler shall be protected in more than two quarter sections of land under the provisions of this act: *Provided further*, That no person shall be entitled to the provisions of this act, unless he, she or they, may reside upon one of the quarter sections which they may claim the right to enter, under the provisions of this act.

[Approved February 20, 1835.]

CHAP. 733.—AN ACT to establish a State Road from Hardinsburg to Owenboro', so as to pass through Cloverport, Hawesville and Yelvington.

Recital:

Whereas, it appears to the General Assembly of the Commonwealth of Kentucky, that the present road leading through the towns above named, has been established as a county road by the respective county courts, and from the increasing travel thereon, and that it would greatly conduce to the convenience and interest of the public to cause the same to be established as a state road: therefore,

The road aforesaid declared state road.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the present road leading from Hardinsburg to Owenboro', and passing through Cloverport, Hawesville and Yelvington, be, and the same is hereby established as a state road.

County courts of the several counties thro'

SEC. 2. *Be it further enacted,* That it shall be the duty of the several county courts through whose county said road shall pass, at their ensuing March or May

courts, to lay off so much of said road as shall pass through their respective counties, into convenient precincts, and to appoint to each an overseer, and moreover to allot to such overseer a sufficient number of hands to keep said road in good repair, the width the respective county courts may think proper; and it shall be the duty of the overseers to cause the stumps to be well cut, the banks of creeks and other sidelining places to be well dug and graduated, and all marshy places to be causewayed or thrown up, and improved so as to admit of a safe and convenient passage of all kind of carriages.

SEC. 3. *Be it further enacted,* That it shall be lawful for the county court of said counties to alter or change said road, whenever they may think it will conduce to the public good.

[Approved February 20, 1835.]

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which it passes, to cause same to be kept in repair by appointing overseers and allotting hands thereto.

County courts may change the route thereof.

CHAP. 734.—AN ACT for the benefit of Joseph Mitchell and others, devisees under the will of William Basey, deceased.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall and may be lawful for the Mercer circuit court, upon the petition in chancery of Joseph Mitchell, for himself, and as guardian for his infant brothers and sisters, to entertain jurisdiction and decree the sale of sixty acres of land, situated in the county of Mercer; and devised to the said Joseph Mitchell and his brothers and sisters, jointly, by the will of William Basey, their deceased grandfather.

SEC. 2. *Be it further enacted,* That in taking cognizance of said case, and in decreeing the sale of the said tract of land, the said circuit court shall be guided by the same rules and regulations, and be subject to the same restrictions, and vested with the same authority, conferred by an act, entitled an act vesting jurisdiction in the circuit courts to authorize the sale of the real estate of infants in certain cases, in the same manner, and to the same extent as though the said sixty acres of land had been cast upon the said Joseph Mitchell and his co-devisees by descent.

[Approved February 20, 1835.]

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CHAP. 735.—AN ACT for the benefit of James Fleming's heirs.

Whereas, it is represented to this General Assembly, that James Fleming, late of Lexington, departed this life some years since, intestate, and left a widow, Susan Fleming, and the following persons, his children, and heirs, viz: William W. Fleming, Mary Vaughn, Priscilla, the wife of Charles Robinson, Jane, the wife of John Keiser, Isabella Fleming, James Fleming, and Augustus Fleming, and that then descended to the said heirs from their said ancestor, a certain tract of land in Fayette county, on the Strode's road, about two miles from Lexington, containing about one hundred and twenty acres, and that the said James Fleming and Augustus Fleming are infants, under the age of twenty-one years, and that the adults and the guardian of said infants have conceived it greatly to their interest to sell the said tract of land, and to vest the purchase money in real estate in the city of Lexington, and that they have accordingly sold the said tract of land, and a certain George Clugston has become the purchaser, and that with the purchase money they have bought a house and lot in Lexington, and caused the title to be vested in the said heirs, and an interest equivalent to a dower interest therein, to be vested in said Susan Fleming; and that owing to the infancy of said James and Augustus Fleming, the title of said George Clugston to said tract of land is imperfect, although the contract has been highly advantageous to said heirs: therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the said infants, by their guardian, to present a petition to the Fayette circuit court, in which shall be recited substantially, the foregoing facts, and to annex thereto a prayer for a decree of said court confirming and establishing said sale on the part of said infants, and for the appointment of a commissioner to convey the said tract of land to the said George Clugston, for, and on behalf of, the said infants, according to the terms of the contract of purchase; and it shall be lawful for said court, upon satisfactory evidence of the truth of the allegations in said petition, to decree and order a confirmation of said sale, and a conveyance of the title by the commissioners, so far as said infants are concerned, to the said George Clugston, his heirs or assigns, and that the conveyance so made shall be effectual to pass the title of said infant heirs to the purchaser.

[Approved February 20, 1835.]

CHAP. 736.—AN ACT to subject to County Levy, all Slaves that may each year hereafter be hired or otherwise introduced into the County of Greenup.

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Recital.

Whereas, it is represented to this General Assembly, that there are annually hired and brought into the county of Greenup, between three and four hundred slaves, by the owners of iron works, and who by the special road law of Greenup, are not compelled to work the roads and highways of said county, although said iron masters have more teams running in said county than all the other citizens beside, nor are the slaves so hired and brought into the county of Greenup, subject to a county levy, although the presence of so many hired slaves greatly increases the necessity of patrollers: for remedy whereof,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That hereafter all slaves that shall reside in the county of Greenup, on the tenth day of January in each year, or that may be hired by any person before that day in said year, shall be charged with the county levy in said county, and those who may hereafter hire such slave or slaves, shall pay the county levy for the same, in the county of Greenup; and that the commissioners of the revenue, in taking in their lists, shall administer an oath inquiring at what time the slave or slaves brought from other counties, were hired, and if they have been so hired by the person who may have them in his, her or their employ, before the tenth of January in each year, to charge them against such person or persons, as subject to the county levy, agreeably to the intent and meaning of this act.

All slaves residing in the co. of Greenup, on 10th Jan. in each year, to be subject to county levy.

Commissioner of tax may administer oath to the hirers of slaves therein.

SEC. 2. *Be it further enacted*, That all such slaves shall be exempt from county levy where their owners reside.

The owners of such slaves exempt from the county levy.

[Approved February 20, 1835.]

CHAP. 737.—AN ACT for the benefit of the Heirs of James Monks, deceased.

Whereas, it is represented to the General Assembly of the Commonwealth of Kentucky, that James Monks, late of Hancock county, hath departed this life intestate, indebted in a larger amount than the value of his whole personal and mixed estate: therefore,

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SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That William Adams, administrator of the estate of said James Monks, deceased, be, and he is hereby authorized to file a petition in the Hancock circuit court, making the legal heirs of the said James Monks, party defendants thereto, and alleging the circumstances and condition of the estate, and setting forth the amount of debts over and above that of the personal estate, and praying the sale of so much of the real estate of said Monks, as will pay the excess of debt above such amount of his personal estate.

SEC. 2. *Be it further enacted*, That the allegations of said petition shall be sustained by proof, and be subject to the same proceedings that are had in cases in chancery, praying for the sale of infants' real estate derived by descent; and the court shall also appoint commissioners to value the land so prayed to be sold, and make any order on said administrator, to settle his accounts, and to give and establish by proof, a schedule of the debts of said decedent, and such information as said court shall deem to be necessary, to enable it to decide on the expediency of decreeing the sale of any portion of said decedent's real estate, for the purpose aforesaid; and on hearing said petition, if said court shall be of opinion that it is necessary to make sale of any portion of the real estate of said decedent for the payment of his debts, it shall decree the said administrator to sell so much thereof, and on such terms, and at such price as shall be directed by the decree; and said court shall also require said administrator to enter into bond to the heirs of said decedent, in double the amount of the value of the real estate to be sold, in open court, with ample security, to pay the debts of said decedent, out of the avails of said sale, and to account for the balance, if any there shall be, to the heirs of said decedent or their guardian; and said administrator shall be further directed to report his proceedings to said court, including a detailed account of his disbursement of the moneys arising from said sale, so soon as he shall have disbursed the same, or paid off and discharged all debts against said decedent.

SEC. 3. *Be it further enacted*, That on the payment of the purchase money, for any estate that may be sold in pursuance of this act, the court shall order and direct said administrator to execute to the purchaser

a conveyance, with a clause of warranty, the nature of which shall be previously indicated in the decree, directing the sale of such estate.

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[Approved February 20, 1835.]

CHAP. 738.—An ACT to appropriate the Fines and Forfeitures in Livingston and Cumberland Counties, to the reduction of the Levies of said Counties.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all fines and forfeitures hereafter collected in the county of Livingston, be, and the same are hereby appropriated to the lessening of the levy of said county, and that all officers, who shall hereafter collect any such fines and forfeitures, muster fines excepted, under the laws of this commonwealth, be, and they are hereby required to pay the same to the order of the county court of said county, and that the said court be, and it is hereby required to apply the same to the reduction of the levy of said county, any law or laws to the contrary notwithstanding.

Fines and forfeitures in Livingston county to be applied to reduction of the county levy.

SEC. 2. *Be it further enacted*, That all fines and forfeitures that may hereafter be collected in the county of Cumberland, shall be, and the same are hereby appropriated to the lessening the county levy of said county, any law to the contrary notwithstanding.

Same provision in relation to Cumberland county.

[Approved February 20, 1835.]

CHAP. 739.—AN ACT allowing an additional Constable to Wayne County, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there shall be allowed to the county of Wayne one additional constable, to reside in the immediate neighborhood of Samuel Cowan, Esq.

An additional constable allowed Wayne county.

SEC. 2. *Be it further enacted*, That there shall be allowed an additional justice of the peace to Meade county.

Additional justice allowed to Meade county.

SEC. 3. That there shall be allowed one additional constable to Woodford county, to reside in the neighborhood of Thomas Lyons.

An additional constable to Woodford.

[Approved February 20, 1835.]

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CHAP. 740.—AN ACT allowing two additional Justices of the Peace to Christian County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That there shall be allowed two additional justices of the peace to Christian county.

[Approved February 20, 1835.]

CHAP. 741.—AN ACT supplementary to an act, entitled an act to improve the Navigation of Nolin, approved February 22, 1834.

Part of the second section of the act repealed.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all that part of the second section which appoints Patrick H. Gardner, of Hart county, as one of the commissioners to superintend the improvement of Nolin, be, and the same is hereby repealed.*

Another commissioner appointed.

SEC. 2. *Be it further enacted, That Thomas Doran, of the county of Hart, be, and he is hereby appointed commissioner to superintend the work to be done on said stream; to be governed in every respect as required by said act, and receive the same compensation as required in the former act.*

Third section of act repealed.

SEC. 3. *Be it further enacted, That the third section of said act, which declares said stream navigable to John Buckle's mill, be, and the same is hereby repealed, and that the navigation of said stream extend no further than the mill of Asa King.*

[Approved February 20, 1835.]

CHAP. 742.—AN ACT for the benefit of Cardwell Breathitt's Children.

Logan circuit court authorized to decree a sale and conveyance of the real estate for the payment of the debts.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the Logan circuit court, on the application of the infant heirs or devisees of Cardwell Breathitt, deceased, or some one or more of them; or on the application of the said Cardwell Breathitt's personal representatives, by his, her or their petition or bill in chancery, to decree a sale of the real estate devised by, or descended from him to said heirs and devisees, or so much thereof as may be sufficient to defray that portion of the debts of said Cardwell Breathitt, which may remain unpaid, after the application of the pro-*

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ceeds of his personal estate and negroes, in a due course of administration; and to said bill or petition there shall be all proper parties, and such proceedings in said suit, as are prescribed in regard to petitions and decrees, for the sale of infants' real estate, under the act, entitled an act vesting jurisdiction in the circuit courts, to authorize the sale of the real estate of infants in certain cases, approved February 3, 1813; and said court shall make such orders and decrees, from time to time, to effectuate said sale, and for the due application of the proceeds thereof, as shall be deemed equitable; and if said real estate shall be inadequate to the payment of the said residue of said debts, the said proceeds shall, by a *pro rata* distribution, be divided among all the creditors remaining unpaid.

And whereas it is represented that said Cardwell Breathitt died largely indebted to John Breathitt, deceased, and that said John Breathitt, by his last will, authorized the payments of said debts by said Cardwell Breathitt in lands and negroes, at a fair valuation, as will appear by reference to said will: Wherefore,

Sec. 2. *Be it further enacted*, That said court shall have power, if they deem it most conducive to the advantage of said heirs and devisees, to cause said debts to be paid in land and negroes, at a fair valuation, conformably to the offer in said will contained; and to that end the legal representatives of said John Breathitt, shall be made parties to said bill or petition, and said court shall cause to be conveyed by a commissioner, to the legal representatives of said John Breathitt, by an appropriate deed, the land and negroes aforesaid: *Provided*, That nothing herein contained shall be so construed, as to give to the said John Breathitt's representatives, a preference over the other creditors of said Cardwell Breathitt, in respect to the debts so owing by him to them, in case his real estate shall prove inadequate to the payment of the whole of the said residue of his debts; but in that event, the representatives of said John Breathitt shall receive only their ratable proportion in lands and negroes, of said debts so due to them, from the representatives of said Cardwell Breathitt.

Recital.

Said court authorized to cause a debt due from the deceased to J. Breathitt's estate, paid in land, &c.

Proviso.

[Approved February 20, 1835.]

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CHAP. 743.—AN ACT for the benefit of William Edmondson's Heirs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the administrators of William Edmondson, and the guardian of his infant heirs, to file a bill in chancery in the Marion circuit court, alleging it will be more advantageous to the heirs, to substitute land for the payment of debts, in place of the slaves, and setting out the debts against the estate, and the particular lands desired to be sold, and it shall be lawful for said court, if it shall appear to be the interest of the heirs of the said Edmondson, to decree a sale of lands for the payment of debts, instead of slaves, and to direct what lands shall be sold, and the minimum price at which it shall be sold, and in all other respects proceed as directed by an act, entitled an act vesting jurisdiction in the circuit courts, to authorize the sale of infants' estate in certain cases, approved February the third, eighteen hundred and thirteen; and said court shall cause the proceeds of the sales of all such lands to be applied to the payment of the debts of the said Edmondson.

[Approved February 20, 1835.]

CHAP. 744.—AN ACT to authorize the sale of Mount Carmel Meeting House, for the benefit of the Methodist Episcopal Church.

Recital.

Whereas, the Methodist Episcopal church, in the Mountsterling circuit, are seized and possessed of Mount Carmel meeting house, with one acre of ground, more or less, attached thereto, lying on the waters of Stepstone, in the county of Montgomery, and at a quarterly meeting held by said church, at Sharpsburg, on the twelfth of July, eighteen hundred and thirty-four, the said society, by resolution, requested the general assembly to pass a law authorizing Hugh B. Wren and Sanford Wren, to sell and convey said lot, and that the proceeds of said sale may be applied to the erection and repair of Methodist meeting houses in said circuit; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said Hugh B. Wren and Sanford Wren, be, and they are hereby authorized as commissioners, to sell at auction, on a credit of twelve months, the interest of said Methodist Episcopal church

Commissioners appointed to sell and convey meeting house and lot.

in said meeting house, and ground thereto attached, they taking from the purchaser, bond, with sufficient security, for the payment of the purchase money, and the proceeds of said sale; the said commissioners shall pay to the Methodist Episcopal church, in the Mount-sterling circuit, and the title aforesaid to said lot, said commissioners shall make to the purchaser by a quit claim deed, upon the payment of the purchase money: *Provided*, That said Hugh B. Wren and Sanford Wren, shall not have authority to effect said sale or make said deed, until they shall first execute a bond before the county court of said county, in an adequate penalty, payable to the commonwealth, with sufficient security, to be approved of by said court, and conditioned that they will faithfully discharge the duties enjoined on them by this act, and duly apply the proceeds of said sale as herein before directed, which bond the clerk of said court shall preserve in his office.

Proceeds, how
to be applied.

[Approved February 20, 1835.]

CHAP. 745.—AN ACT for the benefit of the Jailor of Fayette County.

Whereas, it is represented to the present General Assembly, that on the twenty-eighth day of May, eighteen hundred and thirty-one, a man of color was committed by order of a justice of the peace, to the jail of Fayette county, as a runaway slave, but was, at the time of such committal, a lunatic, and no master appearing, was afterwards, by order of the Fayette circuit court, discharged from jail as a free man and committed to the Lunatic Asylum, and there being no provision by law to compensate the jailer for keeping said lunatic, and the county court of Fayette and the auditor of public accounts, have each refused to settle said claim: for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the auditor of the state be, and he is hereby directed to issue his warrant upon the treasury, in favor of Thomas B. Magowen, jailer of Fayette county, for the sum of seventy dollars, and the treasurer is hereby directed to pay the same out of any money not otherwise appropriated.

[Approved February 20, 1835.]

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CHAP. 746.—AN ACT to regulate the appointment of Jailors of this Commonwealth, and for other purposes.

Jailors to reside in or near the jails.

May be removed from office on failure.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the several county courts in this commonwealth to cause the jailors of their respective counties to reside in the jail, or so near thereto, as to give their personal care and attention at all times, to the jail and its inmates; and it shall be the duty of the several county courts to remove the jailors of their respective counties, who shall fail or refuse, to live in the jail, or as near as the county court shall require; not exceeding, in any case, the distance of two hundred yards.

[Approved February 20, 1835.]

CHAP. 747.—AN ACT appropriating six thousand acres of Land, west of Tennessee River, for the erection of a Bridge across Pitman's, Creek below Barnett's Mill in Green County, where the road crosses from Greensburg to Louisville.

Six thousand acres of land donated to the county of Green for that purpose.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That there shall be, and there is hereby appropriated to the county court of Green, and their successors in office, six thousand acres of land, in the district west of the Tennessee river, for the purpose of building a bridge across Pitman's creek, in Green county, on the road leading from Greensburg to Louisville, below Barnett's mill.

County court to appoint commissioners to locate land.

To be entered with receiver.

His duty and that of register in relation thereto.

SEC. 2. *Be it further enacted,* That the county court of Green county, shall, at their April term next, appoint two or more commissioners, as they may think proper, any one of whom may be sufficient to act, after being first duly sworn, who shall proceed to select and locate the said land above appropriated, which land, when selected, shall be entered with the receiver of public money for said district, who shall give certificates therefor, as in other cases, free from the state price, upon which certificates, the register shall issue patents to the justices of said county of Green for the said six thousand acres of land, vesting the same in the justices of the county court aforesaid, and their successors in office, for the purpose of building the aforesaid bridge.

County court may sell and convey land, and build the bridge.

SEC. 3. *Be it further enacted,* That the justices of the county court of Green, may, at any time within two years after the patents issue for said land, sell and con-

vey the same in any manner they may think proper, and shall apply the proceeds of the same to the building said bridge, and they shall make such compensation to the said commissioner or commissioners out of the county levy of said county, as they shall think right and proper.

1835

Compensation
to the commis-
sioners.

[Approved February 20, 1835.]

CHAP. 748.—AN ACT for the benefit of the Heirs of Daniel Wood, deceased.

Whereas, it is represented to this general assembly, that Daniel Wood, late of Mason county, departed this life intestate, leaving his children, to-wit: Elizabeth, Maria, David, Benjamin, Thomas, Alfred and Samuel Wood, all minors under the age of twenty-one years, and also, leaving his estate in an embarrassed condition; that after the personal estate of said deceased has been exhausted in paying the debts of the deceased, there yet remains a considerable sum due; it is also represented, that the deceased departed this life, seized of a tract of about one hundred and fifty acres of land, situated in said county, which, if levied on and sold under execution to satisfy said debts, would subject the said minor heirs to great loss, by reason of the accumulated costs of court, in making the same liable to sale, fees of sheriffs, &c. &c: For remedy whereof,

Recital.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for Hugh McIlvain and Richard Wells, guardians to five of the above named infants, to file their bill in chancery in the Mason circuit court, setting forth the reasons why the said tract of land should be sold, and making the said infants parties thereto; and the court, after hearing all the proofs on the application, if it shall appear to the court, that it will be to the advantage of said minors, the court shall order and decree a sale of said land in such manner as shall be just and equitable, having due regard to the rights of creditors, and also, the interests of the heirs of said deceased; and the judge, in said decree, shall also make such order for the application of the proceeds of said sale to the payments of debts, and the distribution of the surplus, if any, amongst the several heirs aforesaid, as shall be just and right, and consistent with the laws of

Mason circuit
court authoriz-
ed to decree a
sale and con-
veyance of the
real estate for
the payment of
debts.

1835

Guardians to
give bond and
security.

Commissioners
to execute a
deed.

this commonwealth; and said court shall require bond and sufficient security of said guardians or other person ordered to make said sale, for the faithful application of the funds, according to the decree; and upon report being made to the said court, by the persons ordered to make said sale, if the court shall confirm the same, the said court shall order the person or persons, making said sale to execute a deed to the purchaser of said land, conveying the same on behalf of said heirs, in fee simple, and said court shall make such further order in the premises, as shall be necessary to guard the rights and promote the interests of said minors.

[Approved February 20, 1835.]

CHAP. 749.—AN ACT for the benefit of Charles Boone.

Recital.

Whereas, it is represented to the general assembly of the commonwealth of Kentucky, that Charles Boone, a lunatic, is the owner of a tract of land lying in Washington county, containing about eighty acres, the soil of which is poor and unproductive, and on which there is but little timber, and the rent of which is entirely insufficient for his support: Wherefore,

The Washing-
ton circuit court
authorized to
decree the sale
& conveyance
of the real es-
tate of the lu-
natic.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the committee or next friend of said lunatic, to file a petition in the Washington circuit, setting forth in said petition, that in the opinion of said petitioner, a sale of said tract of land will redound to the advantage of said lunatic, and supported by an affidavit of the petitioner of the truth of the facts therein set forth; whereupon, the court may make an order directing a sale to be made of said tract of land, by a commissioner to be appointed by the court, and upon such reasonable credit as the court may prescribe; such commissioner taking bond with good security, to be approved of by the court, for the payment of the purchase money, payable to said lunatic. And it shall be the duty of the commissioner, acting under such order, from time to time, as required by the court, to make a written report of his proceedings; and the court shall have full power and authority, from time to time, upon the application of the committee or next friend of said lunatic, to order the proceeds of such sale to be disposed of and appropriated in such manner as may appear

Commissioner
to take bond &
security from
the purchaser.

Proceeds of the
sale, how to be
appropriated.

most consistent with the welfare and interest of said lunatic. A conveyance by deed of bargain and sale, shall be executed to the purchaser by said commissioner, in the name, and on the behalf of said lunatic, which conveyance shall invest the purchaser with all the right, title, claim and interest, at law as well as in equity, which said lunatic had in said tract of land: *Provided*, That no order shall be made for the sale of said tract of land until the committee or next friend, who shall file such petition, shall, in open court, execute a bond to said lunatic, with sufficient security, in such penalty as the court shall direct, conditioned to discharge faithfully all the duties imposed on him by this act, or by any order or decree of the court in pursuance thereof, which bond shall be filed with said petition, and be preserved by the clerk of said court.

[Approved February 20, 1835.]

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Commissioner directed to make a conveyance.

Proviso.

A bond with security to be executed by the committee before he makes a sale.

CHAP. 750.—AN ACT for the benefit of Daniel Gwyn's heirs.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the guardian or guardians of the infant heirs of Daniel Gwyn, deceased, late of Christian county, or of either of them, to file a bill in chancery, or petition on oath, in the Christian circuit court, stating, in substance, that the personal estate of said decedent is insufficient for the payment of his debts, and that a sale of his landed estate for the payment of the residue of his debts remaining unpaid, after exhausting his personal estate, would most conduce to the interest of said heirs, as thereby the negroes descended to said heirs from said decedent, would remain to them a more profitable fund than the land, and to said suit, the personal representatives and widow of said decedent, shall be made parties; and said court, upon due proof of the allegations of said bill, shall decree a sale of said landed estate, and cause the proceeds of said sale to be applied to the payment of said debts, if said court shall deem such sale most conducive to the interest of said heirs. And, in the proceedings of said suit, said court shall make such orders and decrees from time to time, as they may deem necessary and proper, and shall be governed by the provisions of the act, entitled an act vesting jurisdiction in the circuit courts to authorize the sale of the real estate of infants in certain cases:

Christian circuit court authorized to decree the sale of the real estate of deceased for payment of the debts.

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Proviso.

Provided, however, That the right of the said decedent's widow to dower in his lands, shall not be effected or impaired by said decree, unless she, by her answer or other pleadings in said suit, consent to said sale.

May decree to the widow the value of her dower right in the estate.

SEC. 2. *Be it further enacted,* That if the said widow shall consent to said sale, the said court shall decree to her out of the proceeds thereof, or of the hires of the negroes belonging to said heirs, the value of her dower right in said land, to be ascertained by commissioners agreeably to the usage in chancery suits; but she shall not have, as dower in the slaves of the said decedent any greater portion thereof than she would have been entitled to, if this act had not passed.

[Approved February 20, 1835.]

CHAP. 751.—AN ACT for the benefit of the Devises of John Aldridge, deceased.

Preamble.

Whereas John Aldridge, late of Garrard county, by his last will and testament, gave to his children therein named, the most of whom are infants, the whole of his estate of every description: And, whereas, also the personal estate of the testator is found to be insufficient to pay his debts, a greater part of which were secured by mortgages executed by him in his life time on his slaves and landed estate: And whereas it is represented, that the landed estate of the testator is so situated as to render it most advantageous for the devisees, and equally beneficial to creditors to have the whole of each tract sold at the same time, and that the sale of the whole of the slaves and land would redound greatly to the advantage of the devisees, and not injuriously to creditors: Wherefore,

Garrard circuit court may decree a sale of slaves & land.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the circuit court of Garrard county, upon the petition of such of the devisees and legatees of said John Aldridge, deceased, as have an interest under the will, and are of full age, together with the guardians or next friends of such as are infants, to take jurisdiction, and decree a sale of the slaves and landed estate aforesaid, or such part thereof, as may be deemed necessary and proper: *Provided,* the court shall be satisfied that a sale will be advantageous to the infant devisees, and not prejudicial to creditors. And it shall be the duty

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of the court to make such orders, and to require the commissioner or commissioners who may be appointed to make the sale, to execute such bond or bonds as may be proper to perfect the sale and secure the interest of creditors and the devisees and legatees.

SEC. 2. *Be it further enacted*, That the court shall order the sale to be made at such times and places, and on such credit as may be deemed best for all interested, taking care at the same time that the purchaser or purchasers be required to give to the commissioner, bond and approved security for the payment of the purchase money; and taking care, also, that the proceeds of sale be first applied to the payment of the debts owing by the testator, and the residue to be paid over to the devisees and legatees, in such proportions as they may be entitled to under the will.

May decree the terms of sale, appoint a commissioner, &c.

SEC. 3. *Be it further enacted*, That the court shall have full power to make all and every order and decree that may be necessary to effect the sale of the property, and the collection and appropriation of the purchase money, and also, to pass the title to the purchaser or purchasers.

May decree the appropriation of the money, &c.

SEC. 4. *Be it further enacted*, That whenever a deed of conveyance shall, in pursuance of any order of the court, be made by a commissioner, and returned and approved by the court and recorded, the title of the devisees shall be as fully and effectually vested in the vendee, as if the devisees were all of full age, and the conveyance was made by them.

Deeds to be made.

[Approved February 24, 1835.]

CHAP. 752.—AN ACT for the benefit of the Heirs of Peter Carney, deceased.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the administrator and heirs of Peter Carney, deceased, to amend their answers in the suit in chancery, depending in the Jefferson circuit court, in favor of the president, directors and company of the bank of the United States, against said administrator and heirs, to foreclose a mortgage on certain real estate, and to state in their amended bill, the true condition of the estate of said Carney, and of the amount of debts against the same, which the personal estate will not pay, and alleging that it will be for the interest of the said heirs

Jefferson circuit court may decree a sale of real estate.

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to have so much of said mortgaged estate sold, as will pay all the debts against the estate, and the court may appoint a commissioner to take proof, and state the condition of the estate, and the amount of debts against the same, and the situation of the land, and the best mode of selling the same; and if, on the return of the report, the court shall be of opinion, that it will be to the interest of the heirs, it shall be lawful to decree a sale of the whole land, or so much thereof as will pay the debts not included in the mortgage, as well as the debt included in the mortgage, and cause the sale to be made in parcels or otherwise, as shall be thought most to the interest of the parties; and shall cause the proceeds of sale to be applied in the payment of said debts, and the overplus to be paid over to the adult heirs, and to the guardians of the infant heirs, on the guardian executing bond to account for the same to the infant, and make all necessary and proper orders and decrees in the premises.

[Approved February 21, 1835.]

CHAP. 753.—AN ACT to provide for making a Road from Bowlinggreen, by the way of South Union, Russellville and Elkton, to Hopkinsville.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That James T. Briggs, Joseph Covington, Isaac Smith, Thomas McDavid, Alexander Loving, Fayette Hines, John Porter, James Kelly and Garland J. Blewell, be, and they are hereby constituted a board of internal improvements for the county of Warren; that Joseph Morton, Eli McLean, Henry R. Whitaker, David C. Caldwell, Rob't. B. Hedrudon, Eph. L. McLean, and Benj. Webb, be, and they are hereby constituted a board of internal improvements for the county of Logan; that Ferria E. McLean, James McCormack, Armstrong Bailey, Samuel B. Jessup, Thompson M. Ewing and John D. Clagett, be, and they are hereby constituted a board of internal improvements for the county of Todd; that William H. Tegardner, John P. Campbell, John H. Phelps, Zachariah Glass and George Ward, be, and they are hereby constituted a board of internal improvements for the county of Christian, for the purpose of making a turnpike road from the town of Bowlinggreen, by the way of South Union, Russell-

Board of internal improvements for Warren county.

Logan.

Todd.

Christian.

ville and Elkton to Hopkinsville. In order that the several boards of internal improvements hereby created and established may be the better enabled to effect the said object, the board of each of the said counties is hereby made a body politic, in deed and in law, and in the name and style of the board of internal improvements for the county in which it may be located, and under said name and style, shall have perpetual succession, and all the privileges and immunities of a body corporate and politic; and as such, shall be capable of taking, receiving, purchasing and holding, to them and their successors, and of selling, transferring and conveying, in fee simple, all such land and estate, real, personal and mixed, as shall be necessary to the prosecution of their work, and to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, before all courts of record, and other judicial tribunals whatsoever, and to make, have and use a common seal, and the same to break, alter and renew at pleasure, and to do each and every act, which a body corporate and politic may lawfully do.

SEC. 2. *Be it further enacted*, That each of said boards of internal improvements shall be, and are hereby authorized to open books and receive subscriptions for stock in the said road, to the amount of fifteen thousand dollars in the county of Warren; to the amount of thirty thousand dollars in the county of Logan; to the amount of fifteen thousand dollars in the county of Todd, and to the amount of ten thousand dollars in the county of Christian, dividing the same into shares of fifty dollars each; and the said boards of internal improvements are authorized to receive subscriptions for stock from all persons and corporations, especially from the county courts of Warren, Logan, Todd and Christian, on such terms and conditions as they may deem expedient.

SEC. 3. *Be it further enacted*, That the county courts of each of the aforesaid counties, through which the turnpike road herein proposed shall pass, is hereby empowered and authorized to levy an *ad valorem* tax upon the real estate in such counties, subject to taxation, not exceeding six and a fourth cents upon one hundred dollars of value, whenever such county court shall be petitioned to do so, by a majority of the qualified voters in said county; and the amount thus collected, shall be appropriated to subscriptions for stock,

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Incorporated,
and corporate
powers.

Subscription
for stock.

County court
may levy a tax
to pay for their
stock.

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to the road within the county paying the same, and the dividends and profits arising from said stock shall, from time to time, whenever other dividends are declared, be paid over to the several county courts, to be by them applied to the reduction of the county levy.

By-laws.

SEC. 4. *Be it further enacted*, That each of the said boards of internal improvements hereby created, shall be, and are hereby authorized, from time to time, to make and ordain such by-laws as they may deem expedient and necessary; and such by-laws so established, shall be obligatory upon the board establishing the same, and upon all persons having necessary connection with said corporation: *Provided, however*, That such by-laws do not conflict with the constitution and laws of this commonwealth.

A part of an
existing law a-
dopted and re
enacted:

SEC. 5. *Be it further enacted*, That all the provisions from the sixth to the twenty-second section inclusive, of the act to provide for the improvement of the road from Franklin county to Crab Orchard in Lincoln county, approved the twenty-fourth of February, eighteen hundred and thirty-four, except so far as is already provided for in this act, or may conflict with the provisions of the same, and so far as the same are applicable to the object and intent hereof, are hereby adopted and made a part of this act; and all rules for the government of said corporation, from the sixth to the twenty-second section inclusive, not inconsistent herewith, are hereby adopted for the regulation and government of the several corporations established by virtue of this act, except the authority given by the twentieth section of said act to the treasurer, to vote at any election for presidents or managers of said boards of internal improvements.

[Approved February 23, 1835.]

CHAP. 754.—AN ACT to amend an act in relation to the Mount Sterling, Big Sandy and Flemingsburg Turnpike Road, passed December, 1831.

Preamble.

Whereas, by the eighteenth section of the act to which this is a supplement, it is provided, that as soon as the road mentioned in said act, which was to be made in the county of Fleming, was put in complete repair, the gate keepers on the turnpike road from Mount Sterling to Big Sandy, were directed to pay over

half annually, one fifth of the net profits of the gates on said road to the commissioners appointed by that act, or their successors in office. But there being no tribunal fixed by said act, to receive said Fleming part of the road, to entitle the commissioners to receive said distributive share of the tolls: therefore,

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Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county court of the county of Fleming, be, and they are hereby authorized to receive said road when so in complete repair as is contemplated by the act aforesaid, and direct the clerk of said court to make a record of such reception; and a certificate of such reception by said court shall be sufficient authority for the commissioners aforesaid, to demand and receive of the gate keepers on said main road, the one fifth of the tolls by them received.

Fleming county court to receive a part of the road.

[Approved February 23, 1835.]

CHAP. 755.—AN ACT to amend an act approved 22d February, 1834, authorizing the construction of a Bridge across Big Barren River.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That so much of the third section of an act approved February the twenty-second, eighteen hundred and thirty-four, entitled an act to amend the act to incorporate the Rolling Fork bridge company, approved December the second, eighteen hundred and thirty-one, and to authorize the construction of a bridge across Big Barren river, as makes the capital stock of said company three thousand dollars, and divides it into shares of one hundred dollars each, and so much of the sixth section as directs that the bridge shall be built twelve feet above high water mark, and so much of the ninth section as requires two thousand dollars of stock to be taken by the county courts of Barren and Allen, or taken and paid in by individuals, be, and the same are hereby repealed.

Parts of former law repealed.

SEC. 2. *Be it further enacted,* That the capital stock of the company shall be two thousand dollars, divided into shares of twenty-five dollars each, and that the bridge to be built by the company, shall be built above high water mark, and that as soon as the stock amounting to one thousand dollars is taken by the county

Capital stock.

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County courts
of Barren and
Allen may take
stock.

Subscription on
part of state.

Repealing
clause.

courts of Barren and Allen counties, or taken and paid in by individuals, so as to secure the sum of one thousand dollars of said stock from individuals and corporate stockholders, and the same is certified by the county courts of Barren and Allen counties to the auditor of public accounts, then, and in that case, the governor of this commonwealth is hereby required to subscribe, on and in behalf of the commonwealth, one thousand dollars as stock in said company, as directed by the act to which this is an amendment.

SEC. 3. *Be it further enacted*; That so much of the ninth section as requires the stock to be taken in eighteen months, be, and the same is hereby repealed.

[Approved February 23, 1835.]

CHAP. 756.—AN ACT for the benefit of John Hughes, Jr.'s. Heirs.

Recital.

Whereas, it is represented to the General Assembly, that John Hughes, Jr. of the county of Washington, hath departed this life intestate, and that his personal estate is not sufficient to pay his debts: therefore,

Administrator
authorized to
file a petition in
Washington
circuit court for
a sale of the
real estate.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Thomas B. Hughes, the administrator of said John Hughes, Jr. is authorized to file a petition in the Washington circuit court, making the heirs of said John Hughes, Jr. defendants thereto, and alleging the condition of the estate and amount of debts over the personal assets, pray for the sale of so much of the real estate as will be necessary for the purpose of paying his debts; and it is further represented that said debts are pressing on said estate.

The court au-
thorised to de-
cree a sale and
conveyance
thereof, &c.

SEC. 2. *Be it further enacted*, That if the heirs answer, by their next friend, at the spring term of said court, that the court may render a decree for the sale of said land, on such credit and in such manner as shall seem most advisable to the court, and appoint a commissioner to carry into effect said decree; and said court shall require said administrator to give bond with additional security, for the administration of the proceeds of said sale, and the payment of the surplus, if any, to the heirs; said court shall also direct such title to be made to the purchasers of said estate, and at such time as shall seem best.

[Approved February 23, 1835.]

CHAP. 757.—AN ACT for the benefit of Eleanor F. Ragland, Martha C. Ragland, Nancy Ragland, Andrew J. Ragland and Sarah M. Ragland.

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Whereas, Robert W. Ragland, of Warren county, hath presented his petition to the present general assembly of the Commonwealth of Kentucky, alleging that Eleanor Fowler Ragland, Martha Clopton Ragland, Robert Emmet Ragland, Nancy Ragland, Andrew Jackson Ragland, and Sarah Martin Ragland, illegitimate children by Sina Taylor, of which children said Robert W. acknowledges himself to be the father, and prays that said children's names may be confirmed, and each of them made capable of inheritance by law: wherefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the names of Eleanor Fowler Ragland, Martha Clopton Ragland, Robert Emmet Ragland, Nancy Ragland, Andrew Jackson Ragland, and Sarah Martin Ragland, be, and they are hereby confirmed, and they are entitled to the aforesaid names, and each and every of them are legitimated and made capable of inheritance in law and in equity, to all the lands and tenements, goods and chattels, rights and credits, of said Robert W. Ragland, in as full and ample a manner as if they had been severally born in lawful wedlock.

[Approved February 23, 1835.]

CHAP. 758.—AN ACT authorizing the Trustees of West Liberty, to sell part of Water Street in said Town.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the trustees of the town of West Liberty, be, and they are empowered and authorized, to sell at public auction, to the highest bidder, so much of Water street in said town of West Liberty as said trustees shall deem to be of no public utility; said sale to be made on a court day, after a notice put up at the court house door, and at two other public places in said town, on a credit of twelve months; said trustees requiring from the purchaser, bond with good security for the payment of the purchase money.

Trustees authorized to make the sale on certain terms

SEC. 2. *Be it further enacted,* That said trustees shall collect the money for which the part of said Water street may sell, and pay the same over into the treasury of said town of West Liberty.

Proceeds, how to be applied.

[Approved February 23, 1835.]

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CHAP. 759.—AN ACT for the benefit of Samuel Abbott's Heirs.

Oldham circuit court authorized to decree a sale of slave on certain conditions.

Adm'r. to give bond and security before making the sale.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Oldham circuit court is hereby vested with jurisdiction to decree a sale of a negro man, Lewis, belonging to the estate of Samuel Abbot, deceased, on the petition of his administrators, if the said court shall be satisfied by proof that the sale of said negro boy, in consequence of his vicious habits and refractory temper, will redound to the advantage of said Abbott's heirs, and the proceeds of said sale, said court is hereby authorized to have vested in a negro or negroes, or other property for the use of said Abbott's heirs, if under the age of twenty-one years; and to said petition all proper parties shall be made, and thereon such proceedings shall be had as are proper in chancery suits; but the court shall, previously to said sale, require of said administrators a bond payable to said heirs, with sufficient security in an adequate penalty, and conditioned that they will faithfully execute any decree for sale made on said petition, and account for and pay over said proceeds of sale, to the person or persons entitled thereto, or to such person or persons as said court shall designate, or vest the same as directed by said court.

[Approved February 23, 1835.]

CHAP. 760.—AN ACT for the benefit of Major King and others.

The applicants authorized to build a dam across Kentucky river.

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for Major King and Samuel King, of Estill county, to build a dam on the Kentucky river, adjoining their lands, for the purpose of erecting a water grist and saw mill thereon, under the same regulations as are now provided by law.

County court of Estill may cause dam to be abated if it prove an obstruction.

SEC. 2. Be it further enacted, That the said Kings shall leave the channel open in said river, on the opposite side of the river from the mill, and in case the said dam should be deemed an obstruction, on the motion of any person or persons to the county court of Estill, if the said court shall deem it expedient, they shall order the said dam to be taken out, at the expense of the said Kings; and they are hereby prohibited from building the dam any higher than nature has done it.

SEC. 3. *Be it further enacted,* That the right of repealing this act, and of depriving the said Kings of the privileges herein granted, is hereby reserved to the legislature.

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[Approved February 23, 1835.]

CHAP. 761.—AN ACT to authorize the sale of a Street in the Town of Somerset.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it may be lawful for a majority of the county court of Pulaski, to authorize (if they deem it expedient) the sale of a cross street in the town of Somerset, leading from Main street to Water street, running between lots now owned by I. B. Curd, and near to the dwelling house of said Curd; and said court may sell said street upon such terms as they may see proper, and apply the proceeds when collected, to the improvement of the streets of said town, or towards lessening the county levy.

County court of Pulaski may authorize a sale thereof.

Proceeds, how to be applied.

SEC. 2. *Be it further enacted,* That when said street is sold, the court shall appoint a commissioner to convey the same to the purchaser, and when conveyed, shall vest the purchaser with all the title the county and court now have in said street.

Court to appoint commissioner to make a conveyance.

[Approved February 23, 1835.]

CHAP. 762.—AN ACT to amend the several Laws establishing and regulating Jeffersontown.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That hereafter, whenever it shall be desired by the owners of streets, or between intersecting streets in Jeffersontown, Jefferson county, to grade and pave the side walks, say not less than six feet wide with brick or flat stone, and such desire shall be made known to the trustees of said town by petition in writing, signed by two thirds of the lot holders on said street and squares, so proposed to be graded and paved, it shall and may be lawful for the trustees of said town to levy and impose such a tax upon the owner or owners of lots upon said street or streets, so proposed to be graded or

Trustees may upon petition in writing, levy a tax to pave and grade side walks.

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Tax to be levied on persons holding property where the paving is to be done.

Trustees have power to enforce collection of tax.

paved, as may be sufficient to effect and complete the same, in such manner as the trustees may direct.

SEC. 2. *Be it further enacted*, That the trustees of said town, in levying the tax for the purpose specified in the first section of this act, shall apportion the same among the respective lot holders, upon the street or streets so proposed to be graded and paved, according to the extent of ground, which each of said lot holders may own, fronting upon said street.

SEC. 3. *Be it further enacted*, That said trustees shall have full power and authority to collect and enforce the payment of said tax, imposed for the purpose aforesaid, in the same manner that other taxes are made payable and collectable in said town.

[Approved February 23, 1835.]

CHAP. 763.—AN ACT to amend an act, entitled an act to build a Bridge across Jellico River, in Whitley County.

Preamble.

Whereas, it is represented to the present General Assembly, that by an act approved 30th January, 1834, entitled an act to build a bridge across Jellico river, in Whitley county, certain land warrants were appropriated to that purpose, and the justices of the county court were directed to erect said bridge at or near the place where the road leading from Williamsburg in said county, to Monticello in Wayne county, crosses said river, and it appearing that said bridge can be constructed on a cheaper and more permanent plan at Solomon Stephens' mill pond, a point about one mile from the point designated in said act: therefore,

The justices of Whitley county may change the location of the bridge.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the justices of the county court of Whitley are hereby invested with full power to locate said bridge at any eligible point on said river, within one mile of the place designated in the act aforesaid; and that so much of said act as comes within the purview of this act, shall be void.

[Approved February 23, 1835.]

CHAP. 764.—AN ACT to establish an Election Precinct in Grayson County.

Bounds of the precinct, and

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all that part of

Grayson county lying in the following bounds, viz: beginning at the mouth of Rock creek; thence up Nolin to the Hardin county line; thence with the Hardin county line to the road leading from Elizabethtown to Litchfield; thence with said road to Garlon Petty's; thence to Jephtha Nichols' on Rock creek; thence down Rock creek to the beginning, shall constitute the Williamstown precinct; and the qualified voters of said district may meet at the house now occupied by Edward Y. Wheeler, for the purpose of voting at all legal elections.

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place of voting therein.

SEC. 2. *Be it further enacted*, That the county court of Grayson county, at the time they appoint judges for elections, to appoint judges, clerks and sheriff to attend at such precinct, and execute the duties assigned them under the several laws regulating elections in this commonwealth.

County court to appoint officers to conduct the elections.

SEC. 3. *Be it further enacted*, That nothing herein contained shall be so construed as to prevent any qualified voter residing in said precinct, from voting at any other precinct in said county, or at the court house.

Voters therein may vote at other precincts, or at the court house.

SEC. 4. *Be it further enacted*, That it shall be lawful, and the duty of the sheriff of Grayson county to attend by himself or deputies, at all elections by law, and in comparing the polls shall be governed by the laws regulating election precincts in said county.

Sheriff to attend at the said precinct elections.

[Approved February 23, 1835.]

CHAP. 765.—AN ACT to amend an act concerning the Troop of Cavalry, attached to the Seventh Regiment and Thirteenth Brigade of the Kentucky Militia.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the troop of cavalry attached to the seventh regiment and thirteenth brigade of Kentucky militia, shall hereafter not be required to parade and perform militia duty in the months of June and July, as now required by law.

[Approved February 23, 1835.]

CHAP. 766.—AN ACT to authorize the County Court of Hardin to sell their Poor House Land.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for

County court of Hardin authorized to sell

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the poor house
lands, and to
purchase others

Proviso.

the county court of Hardin county, a majority of all the justices concurring therein, to make a sale of the tract of land, to them conveyed, lying in the county of Hardin, on the waters of Middle creek, for the purpose of a poor house; which sale, if ordered by said county court, shall be done by some person authorized as a commissioner by said court, and he shall advertise the same at three or more public places in the county, which notice shall be also inserted in the Kentucky Register at least three successive weeks; the sale to be made at the court house door, on a court day, which sale shall be reported to the next county court succeeding, and if approved by them, it shall be lawful for a majority of the justices in commission to convey said land to the purchaser or purchasers, which said deed, so made and acknowledged in the county court, shall be good and valid to pass the title of said land to the purchaser: *Provided, however,* That said land shall not be sold, except for the purpose of purchasing another tract of land, lying near Elizabethtown, for the purpose of erecting thereon another poor house, together with a hospital for the reception of such poor or transient persons as may be taken there sick.

[Approved February 23, 1835.]

CHAP. 767.—AN ACT for the benefit of Harry Bibbins, a Free Man of Color.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Harry Bibbins, a free man of color, who emigrated to this state from the state of Maryland, be, and he is hereby relieved from the provisions of the act, entitled an act to prevent the future migration of free negroes and mulattoes to this state, approved February 23d, 1808; and that said Harry be henceforth entitled to all the privileges and immunities guaranteed by the laws of this commonwealth, to such persons of color as have become free by the county of any of the free white citizens thereof: *Provided, however,* That said Harry shall enter into a recognizance before the county court of Shelby county, with one or more good securities, in the sum of five hundred dollars, payable to the governor and his successors, conditioned, that the said Harry shall not become chargeable to the commonwealth;

and upon his failure to execute such recognizance within forty days after the passage of this act, he shall be liable to all the penalties of the act aforesaid.

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[Approved February 23, 1835.]

CHAP. 768.—AN ACT authorizing Mill Dams to be built across John's Creek.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for John Auxier to build a mill dam near Samuel Hanna's, in Floyd county, on John's creek, not exceeding five feet nine inches high, for the purpose of erecting a saw mill and grist mill, and any other water works he may think proper to erect.

J. Auxier authorized to build a mill on John's creek.

SEC. 2. *Be it further enacted*, That the county court of Floyd, or the county court of Pike, shall have power, if they should be of opinion that the same is necessary, to cause the said John Auxier to build a slope or lock to said dam, in such a manner as they shall describe.

County court may cause him to build a slope.

SEC. 3. *Be it further enacted*, That any persons owning the bed of the creek, or land on either side of the creek, either in Pike or Floyd county, may erect mills or other water works, under like restrictions.

Other persons may build mills thereon.

[Approved February 25, 1835.]

CHAP. 769.—AN ACT to authorize Granville Bowman to erect a Gate across a certain Road in Cumberland County, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Granville Bowman, of Cumberland county, be, and he is hereby authorized to erect a gate across the road leading from Burksville to Stockton's valley in said county.

Allowed to place a gate across a road.

SEC. 2. *Be it further enacted*, That said gate shall be at least nine feet wide, and so constructed as to open and shut with convenience.

Dimensions thereof.

SEC. 3. *Be it further enacted*, That a majority of the county court of Cumberland county shall have full power to have said gate removed whenever they conceive it to be of public inconvenience.

County court may remove the same.

SEC. 4. *Be it further enacted*, That it shall be lawful for the Mercer county court, if they shall deem it

P. R. Dunn may erect gate across a road.

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Under the like
restrictions.

expedient, to permit Peter R. Dunn, of said county, to erect gates across the road leading from Boyce's mill to Vandyke's mill, under the same restrictions set forth in the second and third sections of this act.

[Approved February 25, 1835.]

CHAP. 776.—AN ACT to authorize the County Court of Owen to open and establish a Road, leading from Brock's Ford, on Eagle Creek, to the Twin Meeting House, and from Brock's Ford to Warsaw.

County court
of Owen may
open a road
from Brock's
ford to Twin
meeting house.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for the county court of Owen, a majority of all the justices of said county concurring, to establish and open, or cause to be established and opened, a road leading from Brock's ford, on Eagle creek, to the Twin meeting house in said county, not exceeding thirty feet in width: *Provided, however*, That said county court, in all other respects, shall be governed by the general laws now in force, authorizing and regulating the opening of roads in this commonwealth.

Commissioners
appointed to o-
pen a road from
Brock's ford to
Warsaw.

SEC. 2. *Be it further enacted*, That John O. Hamilton, Henry B. Brock, Jefferson Peak, Hugh Jackson and James Fumish, be appointed commissioners to view and mark (any three of them being present) a state road, beginning at Brock's ford, on Eagle creek, in Gallatin county, by the best and most practicable route to Warsaw, on the Ohio river, in Gallatin county.

Com'rs. to re-
port to court.

SEC. 3. *Be it further enacted*, That the commissioners, or any three of them, shall report to the county court of Gallatin county, whose duty it shall be to cause said road to be opened by road companies in the neighborhood, who, for failure to attend and work according to order, shall be liable to the same fines and penalties as are now in force, by the laws relating to working roads: *Provided*, That nothing in this act shall be so construed as to conflict with laws now in force on the subject of roads.

[Approved February 25, 1835.]

CHAP. 771.—AN ACT for the benefit of John Stith's Representatives.

Whereas, it appears by the last will and testament of John Stith, jr. deceased, that he devised a tract of

land, lying in the county of Hardin, on Otter creek, and the same on which Milton Stith lived, to be sold so soon as a fair price could be had at private sale, but in his will made no provision for the conveyance of said land: therefore,

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Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the executor or executors, or administrator or administrators, with the will annexed of said Stith, to make sale of said land, in accordance with the provisions of the will; and when a sale shall be so made, they are hereby authorized to convey said land to the purchaser, which conveyance shall pass the legal title to the purchaser, and be evidence of title in any controversy which may arise, involving the title to said land.

Ex'r. or adm'r. may sell land, and convey to the purchaser.

[Approved February 25, 1835.]

CHAP. 772.—AN ACT authorizing Samuel Hatler to erect, upon conditions, a Mill Dam across Big Barren River.

Whereas, it is represented to the present General Assembly, that Samuel Hatler is the owner of a water grist mill, in Allen county, erected on a chute on the south side of Big Barren river, about one mile and a half above the mouth of Long creek, and it appearing that the utility of said mill to the people of that vicinity, will be greatly enhanced without any detriment to the navigation of Big Barren river, if the said Hatler is permitted to throw a dam across the river on the north of the island caused by the chute aforesaid: therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said Hatler be, and he is hereby authorized to erect and elevate a dam on the north side of the island where his mill is situated, at the head of said island, so as to increase and deepen the column of water on the south side of said island where his mill is situated, as much as may be necessary: *Provided, however,* That said Hatler shall, at his own expense, open a space in the dam, hereby authorized to be erected, forty feet wide at least, upon the following or some similar plan, viz: in the dam aforesaid, he shall cause to be placed across said opening or space of forty feet, as low as the bed of said stream, a sleeper, and by means of a groove in the same, and a beam extending across said space at an

J. Hatler is authorized to build mill dam over Big Barren river.

Shall make a lock for the free passage of boats and other craft.
Plan of same.

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Shall execute
bond to remove
said dam when
directed to do
so by county
court of Allen.

elevation equal to the height of said dam, so to be erected as aforesaid, with a corresponding groove to admit of a plank dam of that height, susceptible of being removed and replaced at pleasure, and that it shall be the duty of said Hatler to keep open and clear of all obstruction said space or plank dam, for the free passage of all boats during the season when Big Barren river is navigable: *Provided, however,* That the legislature may, at any time, repeal this act: *And provided,* That said Hatler shall enter into bond and security in the county court of Allen, conditioned to pay one thousand dollars, or remove said dam whenever said county court shall adjudge the said dam an obstruction to the navigation of said river.

[Approved February 25, 1835.]

CHAP. 773.—AN ACT to incorporate the Glasgow and Munfordsville Turnpike Company.

The company
formed.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a company shall be, and the same is hereby formed for the purpose of making a turnpike road upon the McAdam plan, from Glasgow to Munfordsville, under the name and style of the President, Directors and Company of the Glasgow and Munfordsville Turnpike Road.

Capital stock.

SEC. 2. *Be it further enacted,* That the capital stock of said company shall be sixty thousand dollars, divided into shares of one hundred dollars each.

Books to be
opened.

SEC. 3. *Be it further enacted,* That books for the subscription in the stock of said company shall be opened on the first Monday of April, 1835, at Glasgow, Munfordsville, Elizabethtown and Louisville, under the direction of the commissioners hereafter named, that is, at Glasgow, under the direction of Henry Crutcher, George W. Trabue and Benedict B. Crump; at Munfordsville, under the direction of George T. Wood, Bennet L. Kerr and James B. Buster; at Elizabethtown, under the direction of Horatio G. Wintersmith, Hugh Mulholland and James Crutcher, sen.; at Louisville, under the direction of William Garvin, William H. Pope and Joseph T. Tunstall. The commissioners named at each of the foregoing places, or any two of them, shall procure one or more books, and in each of them enter as follows: "We, whose names are hereunto subscribed, do promise to pay to the President, Direc-

Commissioners

Form of obli-
gation.

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tors and Company of the Glasgow and Munfordsville Turnpike Company, the sum of one hundred dollars for every share of stock in said company set opposite our names, in such manner and proportions, and at such times as shall be determined on by the president and directors of said company, and agreeably to an act of assembly of the commonwealth of Kentucky, incorporating said company. Witness our hands, this — day of ———.” The said commissioners shall give, in one or more of the public newspapers printed in the city of Louisville, one month’s notice of the time and places, at which books will be opened to receive subscriptions for stock in said company, at which time and places, some one or more of the commissioners above named, at each place, shall attend and permit all persons of lawful age; bodies corporate or politic, who shall offer to subscribe in said books in their own names, or that of any other person who shall duly authorize the same, for any number of shares in the said stock; the said books shall be kept open for the purpose aforesaid, by adjournment from place to place, and from time to time, until the whole number of shares shall be subscribed, of which adjournment, the said commissioners shall give such notices as the occasion may require: *Provided*, That the president and directors of said company shall not have power to call in more of said stock than ten dollars on each share in any sixty days.

Time & place of opening the books to be published.

Who may subscribe for stock.

Amount which may be called on each share.

When 200 shares are subscribed election of officers to be held.

President and other officers to be elected by ballot.

SEC. 4. *Be it further enacted*, That when two hundred shares of said stock shall have been taken, the commissioners shall give thirty days notice, in one or more of the newspapers printed at Louisville, that the number of shares required by the act of incorporation to organize the company have been subscribed, and that an election will be held at Glasgow to choose, by a majority of the votes of the subscribers, by ballot, to be delivered in person or by proxy duly authorized, a president, ten directors, a treasurer, and such other officers as they may think necessary to conduct the business of said company for one year, or until other such officers shall be elected.

SEC. 5. *Be it further enacted*, That when the company shall be thus organized, they shall be, and are hereby declared a body politic and corporate, in deed and in law, by the name, style and title of the President, Directors and Company of the Glasgow and Munfordsville Turnpike Road; and by the said name, the said subscribers shall have perpetual succession,

Declared a body politic and corporate.

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Corporate
powers.

and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding the said capital stock, and the increase and profits thereof, and of enlarging the same from time to time, by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act; and of purchasing, taking and holding, to them and their successors and assigns, and also, of selling, transferring and conveying, in fee simple, all such lands, tenements and hereditaments, and estate, real and personal, as shall be necessary to them in the prosecution of their works; and of suing and being sued, impleading and being impleaded, answering and being answered, defending and being defended, in courts of record, or any other place whatsoever; and also, to make, have, and use a common seal, and the same to break, alter, and renew at pleasure; to make such by-laws and regulations, not inconsistent with the laws and constitution of this commonwealth, and of the United States, as shall be necessary for the well ordering the affairs of said company; and to do all and every other matter and thing which a corporation or body politic may lawfully do.

May make by-
laws, &c.Road, how
graded.

SEC. 6. *Be it further enacted*, That the whole width of said road shall be forty feet, the graded part whereof shall be, at all places where the ground will admit of it, at least thirty feet in width, and the artificial or McAdamized part thereof shall be covered with pounded stone, at least thirteen feet in width, in the middle of the graded road, and put on nine inches thick.

Part of the
charter of the
Louisville and
Nashville road
established as
the basis of this

SEC. 7. *Be it further enacted*, That all the provisions, from the fifth to the twenty-eighth section inclusive, of an act, entitled an act to incorporate a company to establish a turnpike road from the city of Louisville by the mouth of Salt river, Elizabethtown, Munfordsville and Bowlinggreen, to the state line, in a direction to Nashville, approved February 2, 1833, except so far as is already provided for in this act, or may come in collision with the provisions of the same, and so far as the same are applicable to the object and intent hereof, be, and they are hereby adopted and enacted as a part of this act; and all the rules for the government of said corporation, from the fifth to the twenty-eighth section of said recited act, not inconsistent herewith, are hereby adopted for the regulation and government of the Glasgow and Munfordsville turnpike company, except that the elevation of said road, when graded, shall not

exceed three degrees, and that persons shall not be exempt from toll when passing and repassing on said road to worship, except on Sunday.

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[Approved February 25, 1835.]

CHAP. 774.—AN ACT for the benefit of John S. Stokes.

Whereas, it appears that Hervey Young entered with the receiver of public money west of Tennessee river, on the 22d day of May, 1833, the south east quarter of section five, township six, range two, west, and that the receiver, on the sixth day of December, 1833, through mistake, permitted John S. Stokes to enter the same tract of land: For remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the receiver to repay to the said John S. Stokes the amount of money paid by said Stokes for said tract of land, out of the proceeds of the public lands, and make report of the same in his next periodical report.

[Approved February 25, 1835.]

CHAP. 775.—AN ACT for the benefit of Elizabeth Sharp and children, of Whitley County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Whitley circuit court shall be, and the same is hereby authorized, on the petition of Elizabeth Sharp, duly sworn to by her, to decree a sale of the real estate devised to her to hold during her life by her deceased husband, Thomas Sharp, and also of the reversionary interest of her children, the heirs of said Thomas Sharp, in said real estate, if the court shall deem a sale of said real estate most conducive to the advantage of said heirs; and to said petition, all proper parties shall be made, and thereon such proceedings shall be had as are usual in chancery suits, to effectuate said sale, and for the securement of the proceeds thereof to said Elizabeth Sharp during her life, and after her death, to her children, the said heirs of said Thomas Sharp; and said court may cause said proceeds to be vested in the purchase of other real estate, for the benefit of said widow and heirs, to be held by them in such manner

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as they hold the real estate above directed to be sold; but said court shall not decree said sale until the said Elizabeth Sharp shall execute bond; payable to said heirs, in an adequate penalty and with a sufficient security, conditioned faithfully to account for said proceeds of said sale to said court, and pay them over to said heirs at her death, or vest the same as said court may direct; and the said court shall cause a deed for said land, so sold, to be made to the purchaser by a commissioner, and thereby the interest of said widow and heirs in said real estate, shall vest in said purchaser.

[Approved February 25, 1835.]

CHAP. 776.—AN ACT for the benefit of Henry Shelton's Heirs.

Circuit court
of Hardin au-
thorized to de-
cree the per-
formance of a
parol contract
for lands.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for William P. Shelton, guardian of Thomas W. Shelton, Christopher L. Shelton and James H. Shelton, children of Henry Shelton, deceased, to present or file his petition, for, and on behalf of said children, in the circuit court of Hardin, setting forth that a verbal contract had been made between the said Henry Shelton, deceased, and Alexander Patterson, by which said Shelton sold to said Patterson eighty acres of land in the county of Hardin, on the waters of Mill creek; and upon hearing the whole state of the case, and upon proof made out before said court, if said court shall be of opinion that it would be advantageous to said infant children to confirm said verbal bargain, it shall be lawful for said court to enter up a decree confirming said bargain, and appointing a commissioner to convey, on behalf of said infants, said land, by a deed conforming to the bargain so made, which deed shall pass the title to said land to said Patterson, and as evidence of that fact, shall be recorded in any court of justice where the title may be involved or called in question.

[Approved February 25, 1835.]

CHAP. 777.—AN ACT for the benefit of David Rees.

Whereas, it appears to this General Assembly, that James Paton, a former sheriff of Harrison county,

failed to pay into the public treasury the revenue tax of said county, for the year 1823, within the time prescribed by law, which revenue was payable in 1824, and the legislature did, by an act approved the 3d day of January, 1825, allow said sheriff the further time of six months to account for said revenue, whereby the securities of said sheriff have been injured: and whereas, a judgment was rendered in favor of the commonwealth against said Paton and his securities, at the August term of the general court, in the year 1828, for the sum of three hundred and ninety-five dollars and twenty-eight cents, with interest and costs, it being a balance of said revenue tax, upon which judgment there yet remains unpaid, the sum of two hundred and sixteen dollars, as appears by the books in the auditor's office: therefore,

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Be it enacted by the General Assembly of the Commonwealth of Kentucky, That David Rees, one of the securities of said Paton, against whom said judgment of the general court was rendered, be, and he is hereby released from the balance of said judgment except the costs.

[Approved February 25, 1835.]

CHAP. 778.—AN ACT to explain the powers of the several County Courts in this Commonwealth, in regard to allowances to Clerks and Sheriffs for *ex officio* services.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter it shall not be lawful for any county court in this commonwealth to make any clerk or sheriff any allowance for *ex officio* services, out of the county levies, beyond the forty dollars allowed by law; nor shall any county court make any compensation out of the county levies to any county or circuit court clerk for stationery furnished, or to be furnished for their respective offices, and any clerk or sheriff who shall ask or receive any thing for *ex officio* services, or any compensation for stationery contrary to this act, shall be guilty of a misdemeanor.

County court not to allow to clerks or sheriffs any sum except \$40.

Nor any compensation for stationery.

Penalty on a clerk for applying for same

[Approved February 25, 1835.]

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CHAP. 779.—AN ACT for the benefit of Clarinda Rose.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract entered into between John Rose and Clarinda Rose, be, and the same is dissolved, and the said Clarinda Rose is hereby restored to all the privileges, rights and immunities of a *feme sole*, as fully and completely as if she had never intermarried with said John Rose, and that she be hereby restored to her maiden name, Clarinda Withers.

[Approved February 25, 1835.]

CHAP. 780.—AN ACT to reduce the number of Justices of the Peace in Whitley and Madison Counties.

The number of justices of the peace reduced.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the number of justices of the peace for the county of Whitley, be, and the same is hereby reduced to eleven.

No nominations to be made to fill vacancies until the number is so reduced.
Proviso.

SEC. 2. *Be it further enacted,* That the county court of Whitley is hereby prohibited to nominate suitable persons to fill vacancies, that may, from time to time, occur by death, resignation or otherwise, in the number of the justices of the peace in the county aforesaid, until reduced to the number of eleven: *Provided,* That nothing in this act shall be so construed, so as to prevent the justices of the peace now in commission in said county, from exercising the duties and privileges of justices of the peace during their continuance in office.

The like provision in regard to the county of Madison.

SEC. 3. *Be it further enacted,* That the provisions of the second section of this act shall apply to the county of Madison, until the number of justices of the peace in said county shall be reduced to fifteen: *Provided,* That this section shall not take effect till after the first day of June next.

[Approved February 25, 1835.]

CHAP. 781.—AN ACT to prevent Pedlars from retailing certain Wares without license.

Pedlars of jewelry to get license.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That no pedlar or itinerant retailer of watches, silver work, jewelry or gilt ware, shall be permitted to sell or retail his arti-

cles of traffic, or to exchange or barter the same, unless he shall previously apply to the clerk of some county court in this commonwealth, where such pedlar shall desire to sell or barter said articles, and to pay to him the sum of twenty dollars; and thereupon the clerk shall issue to him a license to retail his watches, silver work, jewelry, or gilt work ware, for the space of one year in this commonwealth.

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Clerk to grant a license upon payment of \$20.

SEC. 2. *Be it further enacted*, That the clerk shall produce the amount of money so paid for pedlars' license to the county court, together with his amount of taxes on county seals and conveyances, and having sworn to the same, pay it into the treasury, after deducting the per centum to which he is entitled on the other revenue in his hands.

Clerk to render to the court amount so paid.

SEC. 3. *Be it further enacted*, That if any pedlar shall offend against this act, or retail watches, silver work, jewelry or gilt ware, without such license existing, any justice of the peace, by warrant directed to the sheriff or any constable of his county, shall cause said person to be apprehended and brought before him, and upon inquiry into the matter, if the justice shall be of the opinion, that said pedlar is guilty of a violation of this act, he shall commit him to the jail of his county, unless such pedlar shall pay double the sum to be paid for license, together with costs of suit; any pedlar failing or refusing to present his license when required by the justice of the peace, he shall render judgment against such pedlar for said fine, without other or further proof: *Provided*, That this act shall not take effect until six months from the passage hereof.

Penalty for failing to obtain license.

[Approved February 25, 1835.]

CHAP. 782.—AN ACT to provide for transcribing certain Books of the Office of the Harrison County Court, and for other purposes.

Whereas, it is represented to the present General Assembly of the Commonwealth of Kentucky, that some of the books of the clerk's office of the Harrison county court, are so much worn that it is necessary that some of them should be transcribed, and that others should be re-bound: therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That James R. Curry, Andrew Moore, John O. Hodges and Thomas B. Wood-

Comr's. appointed to examine clerk's

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office, and report what books require transcribing.

The court may cause the same to be transcribed & re-bound, and paid for out of county levy.

When transcribed and approved shall be received as evidence in any court.

Originals to be preserved.

yard, be appointed commissioners, who, or any three of them, are directed to examine the clerk's office of the county court of said county, and report to the court what books of said office, ought, in their opinion, to be transcribed or re-bound; and upon receiving said report, the court may direct the clerk thereof to transcribe such books of said office, as in the opinion of the court require transcribing, for which the clerk shall receive the same compensation that is allowed by law for similar services. The court shall also cause such of said books to be re-bound, as in the opinion of the court require re-binding; and the expense of transcribing and re-binding said books shall be paid out of the county levy. And after said books shall be transcribed and approved of by the court, the same shall be entitled to the verity of records, and copies taken therefrom shall be evidence in all courts of justice, and in all other places, and shall be proved and authenticated in the same manner as if taken from the originals: *Provided, however,* That the original books so copied, shall be carefully preserved in said office, as if this act had not passed.

[Approved February 25, 1835.]

CHAP. 783.—AN ACT regulating the Public Roads and Highways in Bracken County.

County court to declare on the record whether they accept this act.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the county court of Bracken, at their April, May, June or July term next, a majority of all the justices in commission being present, to declare, upon their order book, that this act shall be the road law of said county, and upon said court making the declaration aforesaid, the law in relation to the improvement and repairing of roads in said county, shall be as follows, and shall take effect from and after the time it is so declared by said court to be the law of said county.

Court to lay off county into precincts, and appoint commissioners who shall take an oath.

SEC. 2. *Be it further enacted,* That each election precinct in said county shall be, and the same is hereby declared a road precinct, and that said court shall immediately, upon their declaring said act to be the road law of said county, proceed to appoint a commissioner in each and every precinct in said county, who shall, in open court, take the following oath or affirmation, to-wit: "I, A B, do solemnly swear

Oath.

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or affirm, as the case may be, that I will fairly and impartially, to the best of my skill and ability, perform the duty of road commissioner during my continuance as such, according to law." The taking of which oath shall also be noticed on the book of said court kept for that purpose; and said commissioners shall, at the same term of their appointment, enter into bond with good and sufficient security, to be approved of by said county court, payable to the Commonwealth of Kentucky, for the faithful performance of his or their duties as commissioner or commissioners, and on which bond, any person considering himself aggrieved, may sue, and one recovery shall be no bar to another suit or suits, and no overseer shall act as such, until he shall have taken the oath, and executed the bond as aforesaid.

And give bond.

Which may be put in suit.

SEC. 3. *Be it further enacted,* That said commissioners may appoint in each road precinct suitable person or persons as overseers, and then remove at pleasure; and it shall be the duty of such overseers when appointed, to cause the roads in his precinct to be improved and kept in repair agreeably to law, under the direction of the commissioners of their respective precincts, if he shall choose to direct the same; and the said commissioners, all being present, may compound with any individual liable to work on public roads, for certain improvements and repairs to be made on one or more parts of any road or roads; and to be kept up by such individual in lieu of his liability for any number of years that may be agreed upon, and such contract shall be reduced to writing and filed with the clerk of the county court for safe keeping, and proceedings may be had thereon in the circuit court of the county, either by suit or by motion, ten days' previous notice having been given; and the circuit court may, upon rendering judgment against the defendant for a breach of said bond, enter an order vacating and setting aside the said contract, as to all time to come, if good cause be shown, or with the consent of both parties thereto, in case the court shall be satisfied that the public interest will be promoted thereby; and no jury shall be necessary in the trial of any proceeding on the contract, unless one of the parties thereto shall require it: *Provided, however,* That nothing in this section shall be so construed as to compel any person to work on any road out of the precinct in which he resides.

Comr's. to appoint overseers in each precinct

Work may be received in the place of the tax and bond entered into.

May be sued on in the circuit courts.

No jury necessary unless required by one of the party.

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Comr's. made
a body corpo-
rate.

Corporate pow-
ers.

Responsible
individually
only.

County court
clerk to furnish
com'r's. with a
copy of the tax
book.

Com'r's. to fur-
nish same to
overseers.

To levy tax to
work the roads.

Sec. 4. *Be it further enacted,* That the said commissioners shall be considered a body corporate, and by the name of the road commissioners of Bracken county, may sue and be sued, plead and be impleaded, defend and be defended, answer and be answered, and by the name and style aforesaid, may contract and be contracted with, in relation to any of the objects direct or incidental for which they were appointed, and they and their successors shall be considered in law as a body existing in perpetuity; and they may receive by gift, subscription, devise or contract, any estate real or personal, choses in action, securities or other thing for the use and benefit of the public roads in said county of Bracken; and shall, in all cases, where the purposes and intent of the donation, subscription, devise or contract is set forth or manifested, appropriate the thing thereby received according to such direction or intent: *Provided, however,* That any person injured may and shall, for the malfeasances, trespasses or conduct incompatible with the powers granted by this act of incorporation, on the part of any one or more of said commissioners, and his or their security or securities, in their individual right, and in that character, shall they alone be liable for the wrongs herein before last mentioned.

Sec. 5. *Be it further enacted,* That it shall be the duty of the clerk of the county court of said county of Bracken, within ten days after the return to them of the books of the commissioners of the revenue in each year, to make out for the road commissioners a complete copy thereof, and furnish the same on request; and it shall be the duty of the road commissioners, forthwith to furnish each of the overseers, by them appointed, their respective road precincts, with a transcript of so much of said commissioners' books, as will embrace all the persons and property within the bounds of his precinct, showing in an appropriate column, the amount of revenue to be paid by each individual within the bounds, at a rate to be fixed by said commissioners, not exceeding ten cents on the one hundred dollars, and add to that revenue a poll tax upon each white male tithable within said county, and upon each male amongst the free negroes and mulattoes within their county, not exceeding one dollar, nor under fifty cents; and each overseer appointed as aforesaid, shall, from time to time, as occasion shall make it necessary, call upon the individuals, so within

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his precinct, to work upon the particular road of which he is overseer, until each person liable to a revenue or poll tax as aforesaid, shall have worked upon the public road a length of time equal to one day, for every seventy-five cents, to which such tax shall amount; and this estimate shall determine the quantity of work due upon the road by each person liable to the same: *Provided, however,* The county court of said county may, for good cause shown, exempt any person whatever from the whole or any part of the labor, which would be due by the aforesaid estimate; but such exemption shall only operate during the time to be limited by said court, and shall not be retrospective in its effects: *And provided further,* That the labor to be performed may, at all times, be done with one or more able bodied, industrious substitutes; and it shall be the duty of the overseer to dock any individual at the rate of ten cents per hour, for every hour he shall, when attending to work on the road, wilfully idle away, or to dock him for laziness and neglect of duty, or disobeying legal and reasonable commands or instructions in relation to the work; but any person docked shall be informed of it within ten days of his delinquency, and of the intent of the sum for which he was docked; and the commissioners shall have power to strike out or continue against the individual, the sum or sums for which he was docked, as they may think justice and the public good requires: *Provided, however,* That where an individual has taxable property in more than one road precinct, or more than one county, the whole of the labor due by him for such property, shall be payable by labor in that precinct in which he may reside, and the overseers shall certify the amount thereof to the respective overseers, in whose district he shall reside, in that portion of the commissioners' books transcribed for such overseer: *And provided further,* That the laws now regulating the working of the streets and alleys within the corporation of the town of Augusta, in said county, shall not be affected by the operations of this act.

SEC. 6. *Be it further enacted,* That on the first Monday in December in each year, the overseer of roads shall deposit with the clerk of said county court, for the road commissioners, a list of all the delinquents for the preceding year; and said commissioners shall, on or before the first Monday in January in each year, make out a connected list of said delinquents, and sur-

County court for good cause may exempt individuals from labor.

Overseers may dock hands for neglect, &c.

The tax which each individual pays to be expended in the precinct he resides in.

Streets and alleys not to be affected by this act.

Overseers to deposit with clerk a list of delinquents.

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To be listed for
collection with
sheriff.

Sheriff to set-
tle with county
court for same
at the court of
claims.

nish the high sheriff of said county, or one of his deputies therewith, whose duty it shall be to receive and receipt to the commissioners for the same; and it shall be the duty of the sheriff to collect the amount of the said delinquent list from the respective persons named therein, in the same manner and within the same time, that by law they are now required to collect the county levy, and account for and pay over the same to the said commissioners, on or before the first day of October in each and every year, and return a list of delinquents to the county court at the court of claims, who shall examine the same, and allow such as they are satisfied, could not have been collected by reasonable diligence on the part of the sheriff, and charge the sheriff with the residue; and on failure of the sheriff to receive the list when so tendered, or collect or pay over the same, he and his securities shall be liable to said commissioners for the amount of said lists, with fifteen per centum damages thereon, to be recovered by motion in the county or circuit court, ten days' previous notice having been given, or by suit on the bond as the commissioners may elect; and the sheriff shall be allowed seven per cent for collecting, on the moneys actually collected by him.

To be re-listed
for collection.

Sec. 7. *Be it further enacted*, That the commissioners shall, when they place the lists of delinquents, returned by the overseers, in the hands of the sheriff again for collection, also place so many of the delinquents returned by the sheriff as are not hopelessly lost, and take his receipt therefor with the others, which the sheriff shall collect if possible; and the sheriff shall return no person a delinquent, unless he has actually demanded of him the amount, if found in his county, and levied on his property, if any he had or has in his county, at the time of offering to make his return.

Amount of the
delinquent list
given in to the
clerk to be re-
corded.

Sheriff to re-
por to court the
amount paid
over to com'rs.

Sec. 8. *Be it further enacted*, That before the road commissioners deliver to the sheriff the list of delinquents in each year, they shall present to the county court a statement of the amount of the whole of such delinquencies, which the court shall cause to be noted upon the record book kept for that purpose, and when the sheriff shall have settled with the said commissioners, he shall report to the court the whole amount of the money paid over to the commissioners, and the amount of his delinquent list allowed, which also shall be noted upon the record book kept for that purpose, all of which

shall be evidence against the sheriff or commissioners. And said commissioners shall keep a true account of all moneys by them expended, and for what particular improvement or repairs, and to whom paid; and shall present, in open county court, at their April or May term in each year, a full and fair copy of said account of expenditures, which shall be evidence against said commissioners, and *prima facie* evidence for them, subject however, to be rejected by extraneous evidence, when relied on by the commissioners.

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Com'rs. to keep a true account of the moneys paid out, and to be recorded.

SEC. 9. *Be it further enacted*, That upon the appointment and qualification of new commissioners, which shall be done annually, the former ones shall deliver over to them, all books, papers and records, and tools and implements which belong to the public, or which were purchased with the money of the public, and all things pertaining to them as road commissioners, and take an inventory or schedule of the same, which they shall also file with the clerk of the county court, after the same shall have been signed as well by the old as the new commissioners.

Com'rs. to be appointed annually.

SEC. 10. *Be it further enacted*, That the road commissioners shall, whenever the funds in their hands will justify it, procure any necessary tools or implements for improving or repairing the roads of said county, and hold the overseers who may receive them for use, to a strict accountability for their preservation and return, and to that end, shall take a receipt for all tools so furnished; said commissioners shall keep a book, noticing all their appointments of overseers, and the amounts in their respective precincts in each year, to be paid for in labor, and such other matter in relation to their duties as shall be considered necessary.

Com'rs. may procure tools.

SEC. 11. *Be it further enacted*, That the commissioners shall, when the funds in their hands will enable them, determine what roads, and what particular parts of roads shall be improved, and in what manner and to what extent; and advertise for receiving proposals for the work specified, either by inserting a brief statement thereof in an authorized newspaper, if one be published in said county, or by causing it to be written in a plain hand, and causing one copy to be posted up on the door of the court house, and another in the most conspicuous place in the clerk's office of the county court, there to remain and be preserved by the clerk until the time therein limited for receiving proposals shall have transpired; and they shall enter into

May select the roads or parts thereof to be improved.

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May make
contracts for
the improv-
ement.

written contracts, taking security for the faithful performance of the work, when necessary, and they shall never receive any work so contracted for that is not faithfully performed, of good materials and in accordance with such contract, except as to time; and they may, for good cause shown, extend the time, if they shall see proper; and the commissioners in making improvements by contract, shall give preference to the main roads of the county, or some one or more of them.

Overseers lia-
ble to present-
ment and fine.

SEC. 12. *Be it further enacted*, That the overseers of roads shall be liable to presentments and fines as heretofore; and the commissioners, or any of them, in addition to their other liabilities, shall, for a failure to discharge any of the duties required of them, be liable to presentment or indictment, and to be fined at the discretion of a jury; and for failing to pay over to their successors any moneys in their hands, they may be proceeded against by such successors by suit or motion on their bond or bonds respectively; but no commissioner shall be liable in such proceeding, except such one or more as may be found delinquent, and such persons as may be bound in the bond with them; and in rendering judgment for such delinquency, the court shall award fifteen per centum upon the amount which may be found due.

Penalty for
failing to pay
over money.

Fines and for-
feitures to be
paid over to the
commissioners.

SEC. 13. *Be it further enacted*, That all fines and forfeitures which, by any of the penal laws of this commonwealth, are directed to be paid into the public treasury, or to be applied to lessening the county levy, shall be paid over to the road commissioners of said county, in aid of improving the public roads; and the commissioners may proceed to the recovery of the same from any collecting officer, who has received such fines and forfeitures, and his security or securities, by motion, either in the circuit or county court, ten days' previous notice being given by such commissioners, or may sue upon the bond of such officer, and in every instance of a recovery on the part of the commissioners by either mode of proceeding, the court shall award judgment for twenty per centum upon the amount so recovered; and every person paying over money to the commissioners, under the provisions of this act, shall not be discharged or acquitted thereof, unless he shall cause to be filed with the clerk of the county court a copy of the receipt of such commissioner or commissioners who received the same; and

Penalty for
failing to pay
over same.

it shall be the duty of said clerk, at the April or May term of said court in each year, to present to said court an account of all moneys so paid over to each of the commissioners, showing the amount received by each commissioner, and the court shall cause a notice of the several amounts to be entered on the record book kept for that purpose.

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Clerk of county court to render statement of amount paid to commissioners.

Sec. 14. *Be it further enacted*, That in all motions or suits brought by the commissioners under the provisions of this act, the attorney for the commonwealth, if in the circuit court, and the county attorney, if in the county court, shall, *ex officio*, prosecute the same, and the clerks, sheriffs and other officers shall charge no fees unless judgment be given against the defendant or defendants, and then the costs in the executions shall be for the benefit of the officers rendering the services, and for the witnesses and others, who have a right thereto; and the officer collecting the same, shall pay the same over to the persons entitled thereto.

In suits bro't by com'r's no fees shall be charged only on conditions.

Sec. 15. *Be it further enacted*, That upon the production to the overseer, by any of the tithables herein mentioned, his affidavit made before some justice of the peace, that he verily believes he is over the age of fifty years, the same shall be received by the overseer as a discharge of the poll tax herein provided for, and such affidavit shall, by the overseer, be returned to the commissioners, who shall file away the same; and in every subsequent year, the commissioners, in making out the lists of tithables, shall note opposite the name of such exempt individual, that he is over fifty years of age, which shall exempt such persons from the poll tax herein provided for.

Persons over 50 years of age exempt from working on the roads.

Sec. 16. *Be it further enacted*, That in case of any vacancy by death, resignation, or otherwise, in the board of commissioners, the county court shall fill the vacancy by the appointment of a successor in place of the one who died, resigned, or refused to act, and whose duty it shall be to execute bond, and perform all the duties, as are herein required of the commissioners first herein named.

County court may fill vacancies.

Sec. 17. *Be it further enacted*, That the said commissioners shall be allowed for their services, respectively, in the duties by this act assigned them, at the rate of fifty cents per day, to be paid or retained out of the road fund of said county: *Provided, however*, That such allowance shall in no year exceed, to each commissioner in said county, thirty dollars: *Provided further*,

Compensation of com'rs.

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That nothing shall be allowed said commissioners, until they shall have presented in the county-court, his account, showing the particular services rendered, and the date of rendering the same, and shall make oath to the justice of the said account, and that the same is justly due him, which account marked, sworn to in open court at their — term, shall be filed away and carefully preserved by the clerk of said court.

Com'rs and overseers to be exempt from musters and juries.

SEC. 18. *Be it further enacted*, That the overseers of roads, and said commissioners shall, for the time being, be exempt from attending all musters except cases of actual war, invasion or rebellion, and from serving on juries.

Court to open new roads and to build bridges

SEC. 19. *Be it further enacted*, That when it is necessary to open a new road in said county for public convenience, or erect bridges across streams in said county, it shall be done by said county court, as was done before the passage of an act, entitled an act to amend the law in relation to opening and repairing the public roads in certain counties.

When this act shall take effect

SEC. 20. *Be it further enacted*, That this act shall take effect from and after its adoption by the county court of said county, in the manner above recited in this: *Provided*, That if said county court, a majority of all the justices in commission being present, shall refuse to adopt this act as the road law of said county, then, and in that event, they shall proceed to appoint overseers and work the roads in said county, as was provided before the passage of the act entitled an act to amend the law in relation to opening and repairing the public roads in certain counties, approved January 29, 1830.

[Approved February 25, 1835.]

CHAP. 784.—AN ACT to provide for the appointment of Commonwealth's Attorneys.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there shall be appointed by the governor of this commonwealth, by and with the advice and consent of the senate, a proper person residing within the bounds of each judicial district in this commonwealth, as an attorney for the commonwealth in such district, to attend the several circuit courts within his district, and prosecute all pleas of the commonwealth arising therein; and every

attorney so appointed, shall annually receive for his services, the sum of three hundred dollars, to be paid quarterly, out of the public treasury, upon a warrant from the auditor, as in other cases.

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SEC. 2. *Be it further enacted*, That this act shall continue in force for two years from the passage thereof.

[Approved February 25, 1835.]

CHAP. 785.—AN ACT to amend an act entitled, an act for incorporating the Hartford Bridge Company, approved February 7, 1834.

Whereas, by the act of the last session, the dividends arising from the stock of the state, in said company, from the first three years after the completion of the bridge, should be applied, by the president and managers aforesaid, to the improvement of that portion of the state road, leading from Owenborough to Bowlinggreen, which lies in Ohio county: in lieu of which,

Recital.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That whenever the Hartford bridge shall have been completed, and dividends shall be made on the stock of the state, the same shall be applied, by the president and managers of said company, to the improvement of that portion of the said state road, which lies between Owenborough and Hartford.

Dividends arising to the state from stock in said bridge, to be applied to the road between Owenboro' & Hartford.

SEC. 2. *Be it further enacted*, That in the place of the commissioners appointed by the act of the last session, that David Morton and Christopher D. Jackson, of Daviess county, and Samuel O. Peyton, Larkin Nall, James Baird, and William Field, of Ohio county, or any four of them be, and they are hereby appointed commissioners, to open books of subscription, in the month of April next, in the towns of Hartford and Owenborough, agreeably to the stipulations of said act, and proceed to perform all the duties required of them by said act.

New commissioners appointed to receive subscriptions to stock in said company.

[Approved February 25, 1835.]

CHAP. 786.—AN ACT to incorporate a Company to Turnpike the Road from Nicholasville to Perryville, by way of Shakertown and Harrodsburg.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company shall be,

A company formed.

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and the same is hereby formed, for the purpose of making a road from the town of Nicholasville to Perryville, by the way of Shakertown and Harrodsburg, under the name and style of the Nicholasville, Harrodsburg and Perryville Turnpike Road Company.

Capital stock.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be one hundred and fifty thousand dollars, divided into shares of fifty dollars each.

Books for the subscription of stock to be opened.

SEC. 3. *Be it further enacted*, That books for the subscription of stock in said company shall be opened on the first Monday in April next, at Nicholasville, Shakertown, Harrodsburg and Perryville, under the direction of the commissioners hereafter named; that is, at Nicholasville under the direction of George I. Brown, David Crozier, Thomas Bryant and Thomas E. West; at Shakertown, under the direction of John R. Bryant and Abraham Wilhite; at Harrodsburg,

Commissioners

under the direction of John S. Chinowith, William Hord and George C. Thompson; at Perryville, under the direction of John A. Burton, James P. Mitchell and P. C. Latimer. The commissioners named at each of the before mentioned places, shall procure one or more books, and in each of them enter as follows: "We, whose names are hereunto subscribed, do promise to pay to the president, managers and company of the Nicholasville, Harrodsburg and Perryville turnpike road company, the sum of fifty dollars for every share of stock in said company, set opposite to our respective names, in such manner and proportions, and at such times, as shall be determined by the president and managers of said company, and agreeably to the act of the general assembly of the commonwealth of Kentucky, to incorporate a company for making an artificial road from Nicholasville to Perryville, by the way of Shakertown and Harrodsburg. Witness our hands, this — day of —, 183—." The said commissioners shall give notice in some newspaper published in Lexington or Frankfort, of the times and places where books will be opened for the subscription of stock in said company; at which times and places respectively, some one or more of said commissioners, shall attend to the receiving of subscriptions; and the said commissioners, or their successors in office, shall have the right to keep open the said books until the whole number of said shares are subscribed, or a sufficient amount to construct said road.

Notice of opening of books to be given.

SEC. 4. *Be it further enacted*, That so soon as the

commissioners shall have procured subscriptions to the amount of four hundred shares, it shall be their duty to give notice thereof to the stockholders, by advertisement at each of the aforesaid places, that, upon a certain day therein named, an election will be held in the court house in Harrodsburg, for the election of a president and eight managers to conduct the business of said company for the term of one year, and until their successors are duly chosen; in which election, each stockholder shall have one vote for each share of stock he holds; and said president and managers shall have power to elect a treasurer and secretary, and such other officers as may be necessary to conduct the business of said company. And the said president and managers shall have power to make such by-laws, orders and regulations, not inconsistent with the laws of this state, as may be deemed necessary for managing the affairs of said company: *Provided, however,* That the treasurer, before he enters upon the duties of his office, shall execute bond with good security, conditioned for the faithful discharge of the duties of his said office.

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First election
of president &
managers.

Their powers.

Treasurer to
give bond.

SEC. 5. *Be it further enacted,* That the said president and managers, shall be a body politic and corporate, in deed and in law, and shall be known by the name and style of the president, managers, and company of the Nicholasville, Harrodsburgh, and Perryville Turnpike Road Company; and by that name, shall have perpetual succession, and all the privileges, and franchises, incident to a corporation: and shall be capable of taking and holding the said capital stock, and the increase and profits thereof, and of taking and holding any lands, tenements, and hereditaments, by purchase or otherwise, to themselves and their successors in office, to the use and benefit of said corporation; and shall have power to sell, transfer, and convey, in fee simple, any lands, tenements, or other estate, real or personal, held by said corporation, which shall be necessary in the prosecution, and use of said works; they shall have power to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, and also to make, have, and use a common seal, and to alter and renew the same at pleasure, and to do all and every other matter and thing which a body politic may lawfully do.

Corporate powers.

SEC. 6. *Be it further enacted,* That said president and managers, shall be governed, in the location and con-

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President and managers to be governed by the law regulating the boards of internal improvement for Shelby and Franklin counties.

struction of said road, and in all other things in relation to their various duties, in and about the same, by the provisions of an act of the general assembly entitled, "an act to amend and reduce into one, the several acts constituting boards of internal improvements for Shelby and Franklin counties," approved February the eighth, eighteen hundred and thirty four, as fully as if the said act was hercin set forth at large, so far as said act shall be found applicable, in its provisions, to the aforesaid road.

Exemptions from toll.

SEC. 7. *Be it further enacted*, That nothing in this act shall be so construed, as to impose toll fees upon the owners of lands through which said road shall pass, their horses or other stock, carriages or servants, passing on said road, from one part of their land to another: *Provided, however*, That this privilege shall not extend to more than one gate upon said road: *And provided, further*, That venire men, and grand jurors, in their necessary attendance upon court, persons attending divine service on the Sabbath day, and those going to and returning from musters and elections, shall be free from tolls.

State may purchase the stock.

SEC. 8. *Be it further enacted*, That this charter is granted upon the express understanding, and with the following reservation, that the state shall, within twenty years, from and after the passage of this act, have the right to pay over to the individual stockholders of said stock, their heirs, executors, administrators, or assigns, the amount actually paid by them, with six per cent. per annum interest thereon, after deducting the annual clear profit which said stockholders may have received, which stock, or so much thereof as shall be paid for, shall become the stock and property of the commonwealth of Kentucky: *Provided, however*, That nothing herein contained, shall be so construed as to place the state under any promise or obligation whatever, at any time hereafter, to become the purchaser of said stock.

Provido.

[Approved February 25, 1835.]

CHAP. 787.—AN ACT for the benefit of the Widow and Heirs of Benjamin Quinn, deceased.

Circuit court may decree a sale of lands.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the widow of Benjamin Quinn, deceased, and the guar-

dian of his infant children, to proceed, in the Scott or Franklin circuit courts, at their election, under an act vesting jurisdiction in the circuit courts, to authorize the sale of real estate of infants in certain cases, approved February the third, eighteen hundred and thirteen, to procure a sale of the interest of the widow and heirs of Benjamin Quinn, deceased, in a tract of land containing about one hundred and fifty or sixty acres, more or less, in Scott county, and their interest in a tract of land containing about three hundred and twenty acres, more or less, in Franklin county, as if both tracts of land were in one circuit and were held by descent; and if the widow consents, the court is authorized to decree her an equitable part of the proceeds of the said tracts, instead of dower in the same.

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[Approved February 25, 1835.]

CHAP. 788.—AN ACT allowing additional Justices of the Peace and Constables to certain Counties.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there shall be appointed and commissioned one additional justice of the peace for the county of Anderson.

A justice of the peace to Anderson county.

SEC. 2. *Be it further enacted*, That it shall be the duty of the county court of Anderson county, to lay off, in addition to the districts now allowed by law for that county, one other constable's district in the south west end of said county, in which a constable shall be appointed, who shall reside in the immediate neighborhood of the Pigeon fork.

And constable.

SEC. 3. *Be it further enacted*, That one additional justice of the peace shall be appointed and commissioned for the county of Daviess.

A justice to the county of Daviess.

Whereas, it is represented that there is a large portion of the county of Adair thickly inhabited, in the neighborhood of Townsend's mills, in which there is neither a justice of the peace nor constable: therefore,

SEC. 4. *Be it further enacted*, That the county of Adair be allowed one additional justice of the peace, and that the county court of Adair be authorized and directed to lay off an additional constable's district in the bounds as above stated, and appoint a constable residing in said bounds near Townsend's mills.

A justice and constable to Adair.

SEC. 5. *Be it further enacted*, That the county court

A constable to Meade.

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A constable &
justice to Ma-
rion.

of Meade county be, and they are hereby authorized to appoint an additional constable to reside in the immediate neighborhood of Hiram C. Boon's; and that the county court of Marion be, and they are hereby authorized to appoint one additional constable to reside in the immediate neighborhood of John Lancaster; and the said county of Marion is allowed one additional justice of the peace.

A constable's
district in Mer-
cer extended.

SEC. 6. *Be it further enacted*, That the constable's district in the county of Mercer, now filled by Nimrod Harris, shall extend to, and include the town of Harrodsburg, and that it shall and may be lawful for the said Nimrod Harris to reside at any point in said district, and to perform all the duties appertaining to his said office as heretofore.

[Approved February 25, 1835.]

CHAP. 789.—AN ACT to appropriate some of the Vacant Lands of Pulaski County, to the Improvement of the Road leading from Somerset to the Coal Mines, and for other purposes.

Land warrants
appropriated to
Pulaski co.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the register of the land office be, and he is hereby required to issue to the county court of Pulaski county, ten thousand acres of land warrants, which the county courts of said county may cause to be located on any vacant and unappropriated land in said county, and apply the proceeds of the land to the improvement of the road from Somerset to the coal mines, on or near the Cumberland river; or said court may appoint a commissioner, and empower him to either sell said warrants, or locate them, and apply the money arising from the sale, in like manner.

May be sold.

SEC. 2. *Be it further enacted*, That such commissioner shall not, in the sale of such warrants, be permitted to sell them for less than five dollars per hundred acres; and before entering upon the duties of locating and selling said warrants, he shall execute a bond to the said county court, with security, to be approved of by the court, while the court is in session, in the penalty of one thousand dollars, conditioned faithfully to discharge the duties imposed by this act, and to account, when required by said court, for any money received for the sale of such warrants; and said court shall make him such allowance for his services, as they shall deem right.

SEC. 3. *Be it further enacted,* That it shall require a majority of the justices of the peace in the county of Pulaski, to be present and concur in the appointment of a commissioner, and disposing of the proceeds of the warrants hereby granted.

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Appointment of a commissioner.

SEC. 4. *Be it further enacted,* That the register of the land office shall issue the warrants herein provided for, to said county court, without fee or charge.

Register to issue warrants without fee.

SEC. 5. *Be it further enacted,* That any entry, survey, or patent, under or by virtue of warrants granted under this act, which shall interfere with any elder valid entry, survey, or patent, the same shall, so far as it interferes therewith, be absolutely null and void.

Not to interfere with existing claims.

SEC. 6. *Be it further enacted,* That it shall be the duty of the register of the land office, to issue to John W. Graves and James Smith, three hundred dollars worth of land warrants, free of charge, in one hundred acre warrants, each to be located in the county of Cumberland, on any vacant land in said county.

Warrants to Cumberland.

SEC. 7. *Be it further enacted,* That the said commissioners shall have authority to dispose of said land warrants, for either money or labor, and it shall be their duty to apply the proceeds in building a bridge across the Rockhouse creek, on the road leading from Creelsborough to Burksville, in said county.

To build a bridge.

SEC. 8. *Be it further enacted,* That they shall respectively be entitled to receive the sum of one dollar per day, for every day they shall necessarily be employed in superintending the building of said bridge.

Com'rs. pay.

[Approved February 25, 1835.]

CHAP. 790.—AN ACT to authorize the Clerk of the Wayne County Court to transcribe certain Minutes and Records in his office.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it may be lawful for a majority of the justices of the peace of the Wayne county court, to authorize and direct the clerk of said court to transcribe such of the mutilated and injured minutes and records in his office, as, in the opinion of said court, need and require transcribing; and the clerk of said court is hereby authorized (when the court shall determine what minutes and records shall be transcribed) to procure the necessary book or books for that purpose, under the general law, authorizing and directing the clerks of county courts of this common-

County court may direct the clerk to transcribe certain records and minutes.

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wealth, to procure the necessary record and minute books for their offices; and said books shall be paid for in the same manner as now provided for by the general law.

Clerk to be
paid therefor
out of county
levy.

SEC. 2. *Be it further enacted*, That when said minutes and records are transcribed, the court shall, at its next court of claims thereafter, allow to said clerk, out of the county levy, for copying and transcribing the same, a sum equal to that which clerks are now allowed by law for transcribing and making out records for other purposes.

Transcript or
copies taken
therefrom to be
evidence in any
court.

SEC. 3. *Be it further enacted*, That the minutes and records hereby authorized to be transcribed, shall be as good and valid in law in all respects, and for every purpose, when copied and transcribed into new books, as the original minutes and records would be; and a copy attested in the usual way from the new minutes and records, shall be admitted as evidence in any court, and for all purposes be as binding and valid in law, as though the same was taken from the original.

Originals to be
preserved.

SEC. 4. *Be it further enacted*, That the clerk aforesaid shall keep and preserve in his office the original minute and record books, from whence the copies hereby authorized to be transcribed, shall be taken.

[Approved February 26, 1835.]

CHAP. 791.—AN ACT to incorporate the Covington and Latonian Spring Rail Road Company.

Company in-
corporated.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That W. W. Southgate, M. M. Benton, George B. Marshall, John B. Casey, Cary Clemmons, Pliney Bliss, James Arnold, J. J. Flournoy, Hanson Drew, Thomas D. Carneal and John P. Foot, be, and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Covington and Latonian Spring Rail Road Company, hereby incorporated; and they, or a majority of them, may cause books to be opened at such time and places as they may direct, for the purpose of receiving subscriptions to the capital stock of said company, after giving such notice of the same as they may deem proper; and that, upon the first opening of the books, they shall be kept open for at least five successive

Style.

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days, from 10 A. M. until 2 o'clock P. M. And if, at the expiration of that period, such a subscription to the capital stock of said company, as is necessary to its incorporation, shall not have been obtained, the said commissioners, or a majority of them, shall cause the said books to be opened from time to time, after the expiration of the said five days, for the space of twelve months thereafter, or until the necessary sum for the incorporation of the company shall be subscribed; and if more than the whole amount of the capital stock shall have been taken, then the said commissioners shall proceed to reduce the subscriptions to the amount of capital hereby authorized to be held for the company, in such a manner that no subscription shall be reduced while one remains larger.

Books may be re-opened.

SEC. 2. *Be it further enacted*, That the capital stock of the said company shall be twenty-five thousand dollars, divided into shares of fifty dollars each; and it shall be lawful for said company to go into operation, and to commence the construction of said rail road or rail way, and enjoy all the powers and privileges conferred by this act, so soon as the sum of ten thousand dollars shall have been subscribed to said stock.

Capital stock.

SEC. 3. *Be it further enacted*, That all persons who shall become stockholders pursuant to this act, shall be, and they are hereby created a body politic and corporate, with perpetual succession, under the name and style of the Covington and Latonian Spring Rail Road Company; and by that name shall be capable of contracting and being contracted with; of purchasing, holding, selling, leasing and conveying estates, real, personal and mixed, so far as the same may be necessary for the purposes hereinafter mentioned, and no further; and by said corporate name may sue and be sued, and may have and use a common seal, which they shall have power to alter and renew at pleasure, and shall have, enjoy, and may exercise all the powers, rights and privileges which other corporate bodies may lawfully do, for the purposes mentioned in this act.

Corporate powers.

SEC. 4. *Be it further enacted*, That upon every such subscription there shall be paid, at the time of subscribing, to the said commissioners, or their agents appointed to receive such subscriptions, the sum of five dollars on every share subscribed, and the residue thereof shall be paid in such instalments, and at such times as may be required by the president and direc-

Amount to be called, & when.

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Stock may be
forfeited for a
non-payment
of instalments.

tors of said company: *Provided*, That no payment shall be demanded for more than five dollars on a share at any one time, and not until at least thirty days' public notice of such demand shall have been given by said president and directors. And if any subscriber shall fail or neglect to pay any instalment, or part of said subscription; thus demanded, for the space of sixty days next after the time the same shall be due and payable, the stock on which it is demanded shall be forfeited to the company, and may be sold by the president and directors for the benefit of the company; but the president and directors may remit any such forfeiture on such terms as they shall deem proper.

May proceed
to elect a pres-
ident and di-
rectors when
\$10,000 are
subscribed,

SEC. 5. *Be it further enacted*, That so soon as the sum of ten thousand dollars shall have been subscribed for, the said commissioners, or a majority of them, upon due public notice being given of the time and place thereof, shall call a general meeting of the subscribers, who shall thereupon proceed to elect eight directors by ballot; which said eight directors shall thereupon proceed to elect one of their own body, president; and in said election, and on all other occasions wherein a vote of the stockholders of said company is to be taken, each stockholder shall be allowed a vote for every share; and any stockholder may depute any other person to vote and act for him or them; and the said commissioners, or any three of them, shall be judges of the election.

President and
directors to be
elected annual-
ly.

SEC. 6. *Be it further enacted*, That to continue the succession of the president and directors of said company, eight directors shall be elected annually on the first Monday in May of each year, at such place as may be selected by the said corporation. If any vacancy shall occur in the directory, the remaining directors shall appoint one or more (as required) of the stockholders to fill the vacancy; and if the president shall die, remove out of the state, resign, or shall in any manner vacate his office, the directors shall fill the vacancy out of their board; and the president and directors shall hold their offices until a new election shall be held; and if, for any cause, the election for directors shall not be held on the day specified as aforesaid, the election may be held at any time within thirty days thereafter.

Directors may
fill vacancies.

SEC. 7. *Be it further enacted*, That the president and directors of said company may agree with the

owner or owners of any land, over which said road may pass, for the purchase, use or occupation of the same; and if they cannot agree, then it shall and may be lawful for said company to apply to the county court of Campbell county, for a writ of *ad quod damnum*, upon giving the owner or owners thereof at least ten days' notice in writing, and the court shall award said writ, and direct it to the sheriff of Campbell county; and thereupon said sheriff shall summon twelve freeholders resident of said county, who, being empanelled and sworn by said sheriff, shall go upon the land, and justly and impartially value and assess the damages which the owner or owners thereof will sustain; and the jury shall sign the same, and the sheriff shall return the finding to the clerk of the Campbell county court, which may be confirmed by the county court if no sufficient cause is shown to the contrary; and upon being confirmed, the said company shall pay the amount awarded by the jury, to the person or persons entitled thereto, in money; and the costs, and such valuation being paid shall entitle the said company to the use of said land, so long as the said company shall exist, and no longer.

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May apply for writs of *ad quod damnum*.

Proceedings thereon.

SEC. 8. *Be it further enacted*, That whenever it shall be necessary, in the construction of said road, to cross or intersect any established road or way, it shall be the duty of the said company so to construct said road across such established road, as not to impede the free passage or transportation of persons or property along the same; or when it shall be necessary, through the land of individuals, it shall also be the duty of said company to provide for such individual proper wagon ways across said road, from one point of his land to another.

May cross any established road upon conditions.

SEC. 9. *Be it further enacted*, That said company shall be, and they are hereby invested with power, to locate and construct said rail road from the city of Covington aforesaid, to the Latonian Springs, not exceeding fifty feet wide, and may enter into any contract for the making of said road or any part of it.

Width of the road.

SEC. 10. *Be it further enacted*, That the president and each director of said company shall, before he enters upon the duties of office, swear or affirm that he will truly discharge the duties of his office to the best of his skill and judgment.

President and directors to take an oath.

SEC. 11. *Be it further enacted*, That said company may appoint all such agents, engineers and other offi-

Company may appoint agents, engineers, &c.

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Company shall
make dividend
of profits semi-
annually.

Duration of
the company.

Not to cross
any road or
street without
permission of
county court.

cers that may be deemed necessary for the transaction of the business of said company; and they shall have power to pass all by-laws necessary for the good government of said company, and for carrying the objects of this act into effect: *Provided*, Such by-laws are not inconsistent with the laws and constitution of Kentucky, or of the United States.

SEC. 12. *Be it further enacted*, That said company shall annually or semi-annually, declare and make such dividend as they may deem proper, of the profits of said road, and distribute the same among the stockholders.

SEC. 13. *Be it further enacted*, That the corporate powers hereby conferred, shall and may continue for the space of twenty years after the first day of March, 1835: *Provided*, That if said road shall not be commenced in two years, and completed in seven years, then this act shall be null and void: *And provided also*, That this act shall not be construed to interfere with the act entitled an act to incorporate a company to construct a turnpike road from Covington through Williamstown and Georgetown to Lexington, in Fayette county, approved twenty-second February, eighteen hundred and thirty-four, or any act amendatory thereof; nor shall any rail road established by virtue of this act, pass over any street in the city of Covington, or any public road or highway, without the consent of a majority of all the justices of the county court of Campbell county, and subject to such conditions and regulations, as they may deem expedient to prescribe.

[Approved February 26, 1835.]

CHAP. 792.—AN ACT for the benefit of William Garrard and Henry T. Duncan, and for other purposes.

Whereas, William Garrard of Bourbon county, late a captain of a light horse company in the ——— regiment of Kentucky militia, received from the quartermaster general of this state, fifty pairs of pistols and fifty swords, and entered into bond, bearing date the ——— day of ———, to the commonwealth, with Henry T. Duncan, Jacob Allentharp and Henry C. Gist, as his securities, safely to keep or return the same to the said quartermaster general; and it appearing to the general assembly of the commonwealth of Kentucky, that the said Garrard, many years since, resigned his

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commission as captain of the aforesaid company, and was succeeded by other commandants thereof, and that said arms remained with, and were used by the members of said company after his resignation; and upon its dissolution, he having made due and diligent exertions to collect said arms, and having collected but sixteen pairs of pistols and twenty swords: Wherefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the said William Garrard and Henry T. Duncan, his only surviving security in said bond, are released from all liability growing out of the same, and released from any judgment thereon, except for the return of sixteen pairs of pistols and twenty swords aforesaid, to the quartermaster general of this state, and on the return of said sixteen pair of pistols and twenty swords to the quartermaster general, said Garrard and Duncan are released wholly from all liability under any judgment obtained against them.

And whereas, John M. Lemmon many years ago obtained from the quartermaster general of this state, fifty swords and fifty pairs of pistols, whilst he was a captain of a troop of horse in the seventy-seventh regiment of the Kentucky militia, and entered into bond with ———, his securities binding himself and his successors in the command of said company, to deliver said arms over when called upon, to the said quartermaster general, or other person entitled to receive the same; and whereas the said John M. Lemmon was succeeded by several captains in command of said troop of horse, under whom the members thereof retained, and used said arms for some years; and some time since said company having been dissolved, and the said Lemmon having made use of all due diligence to collect said arms, and having been able to collect but about thirty set of said arms, which have been returned to the arsenal at Frankfort: Therefore,

SEC. 2. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the said Lemmon and his securities in said bond be discharged from all other and further obligation growing out of said bond.

And whereas it is represented to the present general assembly of the Commonwealth of Kentucky, that Thomas A. Clark, deceased, who was a captain of a company of light infantry in the ninth regiment of Kentucky militia, in the year 1819 obtained from the quarter-

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master general of this state, seventy-five stand of arms with the accoutrements for the use of his said company, for which he executed bond, with Francis P. Hord, George I. Brown, William Caldwell, Oliver Anderson and Joel Turnham, his securities, to the Commonwealth of Kentucky, in the penalty of two thousand dollars, conditioned to deliver up said arms, to whoever should be legally entitled to receive the same; that in the year 1821, said Clark resigned as captain of said company, and removed to the county of Madison, having previously delivered over said arms, to ———, who succeeded him as captain of said company; that said arms continued in the possession of said company, till suit was instituted on the bond of said Clark, and his securities, for failing to return the same; that since the institution of said suit, said arms have all been returned to the quarter master general, except eleven stand, which have been lost or destroyed, as after the most diligent search they cannot be found; said Clark has departed this life, and the loss, should they be held liable, will fall upon his heirs: For remedy whereof,

SEC. 3. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the representatives of the said Thomas A. Clark and his securities, be, and they are hereby absolved from all liability on account of the loss or failure to return said eleven stand of arms.

And whereas, it appears to the general assembly, that in the year 1817, Isaac Collier succeeded to the rank of captain of an independent company of Kentucky militia, in Shelby county, attached to the eighteenth regiment, which company had been previously commanded by Samuel Harbinson, who had drawn from the arsenal fifty stand of arms and their accoutrements, all of which had been delivered to the privates of said company, previous to said Collier's assuming the command of the same; and whereas it appears that said Collier, upon succeeding to the rank of captain of said company, did, on the third day of June, 1817, execute his bond with said Samuel Harbinson and William Smith, his securities, to the quarter master general, for the return of said arms and their accoutrements, to the arsenal: and whereas it appears that said Collier resigned his said commission about two years thereafter, and that William Jarvis was commissioned captain, and succeeded said Collier to

the command of said company, and that said arms and accoutrements were retained by said company under the command of said Jarvis, and that owing to occurrences happening after said Collier had resigned, some of said arms and their accoutrements were burnt and lost, and that said Collier has not been able to return but forty-five of said arms, and thirty-nine bayonets and their accoutrements in complete: Therefore,

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SEC. 4. *Be it further enacted*, That said Collier and his said securities, Harbinson and Smith, be, and they are hereby forever released and discharged from all further liabilities upon said bond.

SEC. 5. *Be it further enacted*, That Samuel D. McCullough and his securities, be released from their obligation to this commonwealth, conditioned for the return of sixty rifles, and their accoutrements, delivered to him as captain of the Lexington rifle guards in the forty-second regiment of Kentucky militia.

[Approved February 26, 1835.]

CHAP. 793.—AN ACT for the benefit of Thomas Mitchell, Jailer of Lewis County.

Whereas, it is represented to the present General Assembly, that Thomas Mitchell was appointed jailer of Lewis county, in the year eighteen hundred and nineteen, and continued as such up to the year eighteen hundred and thirty-one, when he was re-appointed jailer by the county court; and whereas the said Mitchell did not renew his bond according to law, and although he officiated as jailer, is, from that reason, unable to collect his fees: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the said Thomas Mitchell, to recover, by law or otherwise, his jail fees during the time he was jailer of Lewis county, and that said Mitchell is placed in the same situation as if he had renewed his bond as the law directs, so far as to enable him to collect his jail fees.

May issue his
fee bills and
collect same.

[Approved February 27, 1835.]

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CHAP. 794.—AN ACT to amend an act entitled an act to establish an Election Precinct in Harrison County, approved November 26, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the aforesaid act as requires elections in the town of Leesburg, to be held at the house of John Cox, is hereby repealed: *Provided,* The judges and other officers of elections in future, shall hold their elections at some other house in said town, and the sheriff shall proclaim before the polls are opened, aloud, the place of voting three several times, at the door of the house of Lewis Coppage.

[Approved February 27, 1835.]

CHAP. 795.—AN ACT to authorize the County Court of Owen to provide for the support of John Simms.

County court may provide for support of Jno. Simms out of county levy.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county court of Owen county shall be, and they are hereby authorized to make any allowance out of the county levy of said county, for the support of John Simms, since his confinement by rheumatism, in said county; and said court may continue to provide for the support and maintenance of said Simms during the continuance of his indisposition: *Provided, however,* That no allowance shall be made unless a majority of all the justices of the peace in said county are present and concur therein.

Proviso.

[Approved February 27, 1835.]

CHAP. 796.—AN ACT to provide a remedy for Religious Societies or Communities.

May appoint com'rs. or trustees to institute suits in name of said societies.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall and may be lawful for any religious society or community, to appoint one or more suitable persons upon their record book, a majority of the members of said society or community being present, a committee or trustees, who, in their own names, for and in behalf, and for the use and benefit of said society or community, may institute suit or suits, to prosecute, enforce and recover, in any court in this commonwealth, having jurisdiction of like cases between individuals, any claim, right

or title said society or community may have to any property and estate, either real or personal, or for any damage to said property, as individuals now are by law, under similar circumstances.

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SEC. 2. *Be it further enacted*, That if, at any time, said committee or trustees should refuse to act, die, or remove away, it shall and may be lawful to supply said vacancy, or any like vacancy, by re-appointment as aforesaid, and said re-appointment shall not be good cause to abate any suit instituted under the provisions of this act, but said person or persons so re-appointed, shall be substituted in lieu of the former upon the record.

Vacancies
may be filled.

[Approved February 27, 1835.]

CHAP. 797.—AN ACT to amend the act, approved the 22d of February, 1834, to improve the Navigation of Big Sandy River.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Francis Brown, John Friend, Harry Stratton and Bracken Lewis, of Floyd county, Thomas Johns and James Rice, of Lawrence county, and John Bevins, and Richard Robertson, of Pike county, be appointed special commissioners, in addition to those appointed by an act, approved 22d February, 1834, to which act this is supplemental, any six of whom, including the commissioners appointed under the former act, as well as those appointed under this, shall have power, having been first sworn, to allot, if practicable, on application of any individual, whose debt to the bank of the commonwealth has been appropriated for the improvement of said Big Sandy river, to each person so indebted, such portion of the said river contemplated to be improved, as in equity and justice, ought to be sufficient to discharge said debt; and it shall be the duty of the former commissioners to take bond, payable to the commonwealth, with good and sufficient security, from any and every such debtor, for the performance of the work so allotted to him or them; and upon said bond being executed, the commissioners aforesaid shall surrender up to such individual, his note or notes so appropriated for said improvement; and if a judgment or judgments have been obtained on said note or notes, then it shall be the duty of the commissioners to give a receipt or receipts against the same.

Additional
commissioners
appointed.

To take oath.

May allot to
debtors por-
tions of river.

Former com-
missioners to
take bond for
performance of
the work.

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Further time
to make im-
provements.

Pay of the
commissioners.

May dispose
of the land
warrants.

Time of the
allotments and
bonds.

Condition of
the bond.

May sue for
a breach of
same.

SEC. 2. *Be it further enacted*, That the further time, not exceeding one year and ten months from the passage of this act, at the discretion of the commissioners, be allowed to complete said improvements.

SEC. 3. *Be it further enacted*, That each commissioner appointed by this act, shall be allowed the sum of one dollar per day, while actually employed, in discharge of the duties enjoined on him, to be paid by the applicant.

SEC. 4. *Be it further enacted*, That the commissioners of the above recited act, are authorized to dispose of the land warrants appropriated to said improvement in such manner as may best promote the interest of said work.

SEC. 5. *Be it further enacted*, That the said allotments shall be made, and the said bond aforesaid shall be executed on or before the first day of May, 1835, and for any breach of said bond, the condition of which is, that he, the said bank debtor, will complete the river according to the stipulations of the allotment and the direction of the commissioner acting under the act of 22d February, 1834, the said commissioners or successors in office, shall institute an action in any court having jurisdiction in this state, and the amount so recovered, shall be applied to the improvement of the river.

[Approved February 27, 1835.]

CHAP. 798.—AN ACT to establish a State Road from Stanford, in Lincoln County, to Somerset, in Pulaski County.

Established
as a state road.

To be work-
ed on and kept
in repair as o-
ther roads.

Overseers li-
able for not
keeping same
in repair.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the road, as it now runs from Stanford, in Lincoln county, to Somerset, in Pulaski county, be, and the same is hereby established a state road, and that the county courts of Lincoln and Pulaski are hereby prohibited from making any change in said road.

SEC. 2. *Be it further enacted*, That said road shall be worked upon and kept in good repair, in the same manner, and under the general law now in force authorizing and directing the opening and keeping in repair the public highways of this commonwealth; and the overseers and all others shall be subject and liable to the same penalties, for failing to work upon, and keeping said road in good repair, as is now pre-

scribed by law for failing to work upon, and keeping in repair the public highways of this commonwealth.
[Approved February 27, 1835.]

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CHAP. 799.—AN ACT for the benefit of Jane Degallon and Salena Cirode.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for Jane Degallon, devisee and trustee under the will of Henry Degallon, deceased, to file a bill in chancery, in the Jefferson circuit court, setting out the amount of charges against the estate held by her in trust, for grading, paving and other improvements made under the order of the city authorities of Louisville, and the amount which she has advanced for those purposes; and also the amount which she has expended in lasting and valuable improvements on said estate, to which bill the infant *cestui que trust*, shall be made a party defendant; and it shall be lawful for the court to decree a sale of so much of the trust estate as will be necessary to pay the charges aforesaid against the said estate, and the amount which the said Jane Degallon has paid and advanced for the payment of such charges, and also for such other moneys as she shall have expended in lasting and valuable improvements on said estate, if the court shall believe, in equity, the devised estate should pay the same, and said court shall direct the property which shall be sold, and the minimum price, and the time of sale, and the length of credit; and the court shall have power to cause the estate so sold to be conveyed to the purchasers, by a commissioner, and the conveyance so made, shall be effectual to pass the legal estate.

May file a bill in chancery to have decreed the amount expended in improvements.

Cestui que trust to be made a party.

Court may sell the property and convey.

[Approved February 27, 1835.]

CHAP. 800.—AN ACT authorizing Hancock County Court to contract for the location of her Seminary Lands.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall and may be lawful for the county court of Hancock county to appoint one or more fit and proper persons to locate the lands appropriated to said county, by the provisions of an act, approved the thirtieth day of January,

The county court authorized to appoint a com'r. to locate the seminary lands.

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And to make
him compensa-
tion for his ser-
vices in land.

Mode of mak-
ing the con-
veyance of the
lands allotted
to the com'r.

Patents there-
for to be issued
by the register.]

eighteen hundred and thirty-four, entitled an act appropriating a portion of the vacant lands in the district of country west of the Tennessee river, for the purposes of education.

SEC. 2. *Be it further enacted*, That it may and shall be lawful for the county court of Hancock county to give to the commissioner or commissioners, hereby authorized to be appointed, such portion of the lands which may be located by him or them, for the benefit of said county, as said court may deem just and reasonable.

SEC. 3. *Be it further enacted*, That for the purpose of enabling the county court to convey to the commissioner or commissioners, the lands which said court may allow him or them for locating the same, the county court of said county is hereby authorized to appoint some fit person to transfer the receiver's certificate to the commissioner or commissioners, for such portion of the land as may be allowed to said commissioner or commissioners for his or their services; and upon the certificates thus transferred, being deposited with the register of the land office, together with a copy of the order of the county court, authorizing such person to transfer said certificate, it shall be the duty of the register to issue patents thereon as in other cases.

[Approved February 27, 1835.]

CHAP. 801.—AN ACT for the benefit of the Clay County Seminary.

The trustees
of said semi-
nary are autho-
rized to erect
buildings, &c.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the trustees of the Clay county seminary, a majority of them concurring, to erect a building, for the use and benefit of said seminary, at any point they may designate, within four miles of Manchester, in Clay county, hereby repealing all acts and parts of acts, coming within the purview of this act.

[Approved February 27, 1835.]

CHAP. 802.—AN ACT to establish Election Precincts in the Counties of Grant, Bourbon, Madison, Clarke and Montgomery.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all that part of

the county of Grant, included within the following bounds, to-wit: beginning at the county line, where the road from Theobalds' to Palmouth crosses it; thence with said road, to the turnpike road; thence down said turnpike road to the Warsaw road; thence down said road, to the farm of the widow Johnson; thence leading from said farm, to the Boone and Grant line; thence with said line to the beginning, shall be called and constituted the Crittenden precinct; and the qualified voters in said district may meet at the house of William Sechrest, in the town of Crittenden, for the purpose of voting at all legal elections.

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Precinct in
Grant county.

SEC. 2. *Be it further enacted*, That the county court of Grant county, at the time they appoint judges for elections, shall appoint judges, clerks and sheriffs, to attend at said precinct, and execute the duties assigned them, under the laws regulating elections in this commonwealth.

SEC. 3. *Be it further enacted*, That nothing herein contained shall be so construed, as to prevent any qualified voter, residing in said precinct, from voting at any other precinct in said county, or at the court house.

SEC. 4. *Be it further enacted*, That there shall be, and is hereby established an election precinct in the county of Bourbon, composing that portion of said county, contained in the following boundary: beginning at the point where the Ruddle's mill road intersects the Fayette county line; thence with that road to its intersection with the road leading from Paris to Cynthiana, and with the latter road to the Harrison county line; and thence with the county line between Bourbon and Harrison counties, to the Scott line; and thence with the line of Scott and Bourbon, to the line of Bourbon and Fayette counties; and thence with the same to the beginning; and all the qualified voters living within said boundaries, shall have the right to vote at each county election, at the elections herein-after directed to be held in said precinct.

Precinct in
Bourbon county.

SEC. 5. *Be it further enacted*, That it shall be the duty of the county court of Bourbon county, at the same courts, at which it may appoint other election officers for said county, to appoint judges and a clerk for said precinct, for each and every county election to be held in and for Bourbon county.

SEC. 6. *Be it further enacted*, That it shall be the duty of the sheriff of Bourbon county for the time being, to open and keep open a poll, according to the con-

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stitution and laws, for said precinct, at the house now owned by William Simpson; and the sheriff shall compare the polls of said precinct, at the same times and places that he is now by law directed to compare the other polls of said county.

Precinct in
Montgomery.

SEC. 7. *Be it further enacted*, That all that part of Montgomery county, included in the following boundaries, to-wit: beginning at the Bath county line, in the farm of Robert B. Crooks; thence with a straight line to, and including John B. Howard's farm, to Spencer meeting house; thence with the road leading to James Lockridge's mill; thence up the creek, and by a straight line to intersect the road leading from Mountsterling to the Leavy, and with that road to the said Leavy; thence a straight line to the dividing ridge, between Red river, Lulbegrud and Slate, and with that ridge to the Bath county line; and with said line to the beginning, shall be an election precinct; and that the elections in said precinct, be held at Jeffersonville, at the house now occupied by John Hall.

SEC. 8. That the county court of Montgomery shall appoint judges and a clerk, to conduct the elections in said precinct, and if any of the judges or the clerk so appointed, shall fail to act, the vacancy shall be filled in the manner prescribed by law; and the sheriff of said county shall, by himself or deputies, attend the elections in said precinct and conduct the same, and compare the polls there taken, according to law.

In Madison.

SEC. 9. *Be it further enacted*, That all that part of the county of Madison, included in the following bounds, viz: beginning at the ford of Paint Lick creek, at Alexander Ross'; thence running with the county road, to the Round hill; thence to Robertson's mill, on Silver creek; thence down said creek, to Boyce's mill; thence up the road to Elsey Million's; thence down the dividing ridge, between Silver creek and Tate's creek, to the Kentucky river; thence down the river, to the mouth of Paint Lick creek; and thence up said creek, to the beginning, shall be an election precinct, and that the elections be held in said precinct at the house of Edmund Long.

SEC. 10. *Be it further enacted*, That the county court of Madison, shall appoint judges and a clerk, to conduct the elections in said precinct, and if any of the judges or the clerk so appointed, shall fail to act, the vacancy shall be filled in the manner prescribed

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by law; and the sheriff of said county shall, by himself or deputies, attend the elections in said precinct, and conduct the same according to law: *Provided*, That nothing herein contained shall be so construed as to prevent any qualified voter residing in said precinct, from voting at any other precinct in the county of Madison, or at the court house thereof.

Sec. 11. *Be it further enacted*, That all that part of the county of Clarke, included in the following bounds, viz: beginning at the mouth of upper Howard's creek, and with said creek to the road leading from Howard's warehouse to Mountsterling; thence with said road, to the farm of William Tuttle; thence to the farm of Nelson Bush; thence up the aforesaid creek, to the mouth of Duncan's branch; thence up said branch, to the farm of Edward Stuart, late William McCaffrey's; thence to the farm of Reuben Guy; thence to the forks of Harrod's creek; thence to the farm of William Irvine; thence to the farm of Samuel Sewell; and thence to the farm of John Hulse, (including the said farms;) and thence with the stone quarry road, until it intersects near the house of Thornton Wills, another public road; thence with the road last mentioned, until it intersects the Ironworks' road, at little Stoner; thence with said Ironworks' road, to the farm of Peter Evans; thence to the Poorhouse farm; thence to the farm of Horatio Acton; thence to the farm of Benjamin Miles; thence to the farm of Aquilla Ogden; thence to the farm of Nathaniel Haggard, on Four Mile creek, (including said last mentioned farms;) thence down said creek, to the Four Mile road near Duke's blacksmith's shop; thence with said road to the road leading to Indian creek meetinghouse; thence with the said road, to said meetinghouse; thence to, and including the farm of Thomas Woosley; thence by a line including the farm of Edward Hall, to the Kentucky river; and with said river, to the beginning, shall be an election precinct; and that the elections shall be held in said precinct, at the house of Reuben Rucker, on the Dry fork of upper Howard's creek.

In Clarke.

Sec. 12. *Be it further enacted*, That the first section of an act, entitled an act to establish and regulate election precincts in Clarke county, and to enlarge and regulate the Hardwick's creek precinct, in Estill county, and for other purposes, approved 22d of February, 1834, shall be, and the same is hereby repealed; and that all that part of the county of Clarke included

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in the following bounds, to-wit: beginning at the mouth of upper Howard's creek; and with said creek, to the road leading from Howard's warehouse, to Mountsterling; thence with said road, to the farm of William Tuttle; thence to the farm of Nelson Bush; thence up the aforesaid creek, to the mouth of Duncan's branch; thence up said branch, to the farm of Edward Stuart, (late William McCaffrey's;) thence to the farm of Reuben Guy; thence to the forks of Howard's creek; thence to the farm of William Irvine; thence to the farm of Samuel Sewell; and thence to the farm of John Hulse, (including said farms;) thence with the stone quarry road, to Joseph Williams' factory; thence by a straight line to the forks of Lulbegrud; thence by a straight line to the nearest point, in the divisional line, between the county aforesaid, and the county of Montgomery; thence with said divisional line, until it strikes Red river; thence down Red river, to the mouth thereof; and thence down the Kentucky river, to the beginning, shall be an election precinct; and that the elections be held in said precinct, at the house owned and occupied by James V. Karrick.

SEC. 14. *Be it further enacted*, That the county court of Clarke, shall appoint judges and clerks to conduct the elections in said precincts; and if any of the judges or clerks so appointed, shall fail to act, the vacancy shall be filled in the manner prescribed by law; and the sheriff of said county shall, by himself or deputies, attend the elections in said precincts, and on the Saturday next succeeding the close of the election, compare the polls, according to law.

SEC. 15. *Be it further enacted*, That hereafter, it shall not be lawful for any person to vote in said precinct, except the qualified voters, who shall be actually residing within the bounds of said election precinct, at the time of the commencement of the election: *Provided, however*, That it shall be lawful for the voters residing within the bounds of said precincts, to vote at the court house of Clarke county, as heretofore, but subject to the penalties prescribed by law, for the offence of voting more than once at the same election.

[Approved February 27, 1835.]

CHAP. 803.—AN ACT for the benefit of the Devisees and Heirs of James F. Moore and Elizabeth Moore, deceased, and for the Heirs of John Hughes, Jr.

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SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the heirs and devisees of James F. Moore and Elizabeth Moore, or any of them, to file a bill in chancery in the Jefferson circuit court, to which bill all of said devisees and heirs, and those claiming their shares of said estates, shall be either complainants or defendants, alleging that said estates are indebted, and that the estates cannot be beneficially divided among the parties interested; and it shall be lawful for said court to decree a sale of the whole or any part of said estates for the payment of debts, and for distribution amongst those entitled to the same, if the court shall be of opinion, that in equity and right, a sale would be advantageous to those interested in said estates; and the court may order a sale at public auction or at private sale, as shall be deemed most advantageous to said devisees and heirs, and shall, in all other respects, proceed as directed by an act, entitled an act vesting jurisdiction in the circuit courts, to authorize the sale of the real estate of infants in certain cases, approved February third, eighteen hundred and thirteen.

Upon bill filed, court may decree a sale of the estate to pay the debts, for a distribution.

And whereas, it is represented to the General Assembly, that John Hughes, jr. of Washington county, died on the — day of June, 1833, intestate, leaving a widow and seven children, who are infants; that he was possessed of two tracts of land in the county in which he died, the one upon which he lived, and another of four hundred acres, one or two miles off, some slaves and other personal property. That Thomas B. Hughes administered on the estate, disposed of the personal property (negroes excepted,) and applied the proceeds of the sale thereof to the discharge of the debts due therefrom, that there are yet outstanding debts unpaid against said estate, the precise amount of which is unknown, supposed to be at least two thousand dollars; in order to pay which, it will be necessary to dispose of nearly all of the slaves or part of the land. It is further represented that the negroes are young, very productive, and yielding a considerable income to the estate annually; whereas, that portion of land which is proposed to be sold, to-wit: two hundred acres off the tract of four hundred acres, is in a state of nature, yielding no income to the es-

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Upon bill filed
court may de-
cree a sale of
either land or
slaves, at their
option.

tate, consequently would be to the advantage of the widow and children to reserve the slaves and make sale of the land: wherefore,

SEC. 2. *Be it further enacted*, That upon a petition being filed by the administrator (and heirs by their next friend,) of John Hughes, jr. in the Washington circuit court, setting forth the amount of debts due and owing from the estate, as well as the true situation of the estate, and that it would be to the advantage of the widow and heirs, that the balance thus owing from the estate, should be raised by the sale of two hundred acres of land, (at some end or corner to be particularly designated,) instead of selling the slaves. It shall be the duty of the said Washington circuit court immediately to appoint two or three fit persons, as commissioners, to examine the land and slaves, whose duty it shall be to report to the court which, in their opinion, will most promote the interest of the widow and heirs, a sale of the land or slaves, and hear such other and further evidence as may be produced; and if said circuit court shall be of opinion that it is necessary to sell part of the land aforesaid, to satisfy the outstanding debts, and that the interest of the widow and heirs will be more advanced by a sale of the land than by a sale of the negroes, immediately at the first term after the filing of the petition, to decree a sale of so much of said land as may be necessary, not exceeding two hundred acres, upon such credit as said court shall consider best calculated to advance the interest of the parties concerned, and appoint a commissioner to sell and convey the same.

Adm'r. to
give bond and
security for the
application of
the proceeds of
sale.

SEC. 3. *Be it further enacted*, That the said administrator shall, in the circuit court, before receiving the money arising from the sale of the land, give bond to the commonwealth of Kentucky, with security, to be approved by the court, and in such penalty as the court shall think proper, for the faithful application of the money to the payment of debts.

[Approved February 27, 1835.]

CHAP. 804.—AN ACT to amend the Laws concerning Public Roads.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county court of Spencer county, in appointing overseers over that part of the roads in said county, which lies within one

County court
may appoint o-
verseers over

half mile of the bounds of the town of Taylorsville in said county, shall have power to appoint the same person overseer of as many of said roads as may be deemed expedient by said court; and the inhabitants of said town, and within one half mile thereof, shall also be compelled to work on as many of said roads as shall be deemed expedient by said court; and such overseer or hands so appointed under this act, for any defalcation of duty, shall be liable to the fine and penalties now imposed by law, and to be proceeded against accordingly.

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several roads within half a mile of town.

Citizens within that boundary to work on same.

[Approved February 27, 1835.]

CHAP. 835.—AN ACT for the benefit of Levina Off.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract existing between Levina Off and her husband, George Off, be, and the same is hereby dissolved and forever disannulled as to the said Levina, and that she be restored to her former maiden name, Levina Lewis.

[Approved February 27, 1835.]

CHAP. 806.—AN ACT to establish the Town of Elizaville, in the County of Fleming.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the town of Elizaville, in the county of Fleming, be, and the same is hereby established, upon the plan which has been formed and laid down by the citizens of said town, and the same plan is hereby ratified and confirmed.

Is established according to plan laid down

SEC. 2. *Be it further enacted,* That the free male inhabitants of said town, of the age of twenty-one years, and upwards, shall meet at the house of Henry Bishop, on Main street, in said town, on the first Monday in May next; and the said citizens shall meet annually on the first Monday in May, and elect by vote, *viva voce*, five fit persons for trustees of said town, to serve for one year, and until their successors be duly elected, and their successors in office; and the said officers shall have power to enact such by-laws as they may, in their discretion, deem most expedient, to promote the interest of said town, and preserve the peace

Free male inhabitants may meet and elect trustees.

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and harmony of said citizens: *Provided*, Said by-laws are not inconsistent with the constitution and laws of the United States, and of this state.

[Approved February 27, 1835.]

CHAP. 837.—AN ACT for the benefit of the Holders of Headright Certificates.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the further time of twelve months be allowed to the owners or holders of headright certificates, to file the same in the several clerks' offices in this commonwealth, agreeably to the provisions of an act, entitled, an act to amend an act concerning headright certificates, approved February the seventh, eighteen hundred and thirty-four.

Further time
allowed to file
same.

[Approved February 27, 1835.]

CHAP. 808.—AN ACT for the benefit of William H. Eades, husband of Julia A. Eades.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall lawful for William H. Eades and Julia A. Eades, his wife, to sell and convey any real estate belonging to the said Julia A. Eades, as though she were of full age.

[Approved February 27, 1835.]

CHAP. 809.—AN ACT for the benefit of Mary Eliza Thruston.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the guardian for Mary Eliza Thruston, infant daughter of Charles M. Thruston, to file a petition in the Jefferson circuit court, in the nature of a bill in chancery, against Charles M. Thruston, and the person to whom he sold the house and lot, alleging that Charles M. Thruston had sold a house and lot in the city of Louisville, belonging to the said Mary Eliza Thruston, and stating that the house and lot were sold at a fair price, and Charles M. Thruston is willing and desirous to convey to the said Mary Eliza Thruston real estate in the city of Louisville of equal value, on the confirma-

May file a bill
in chancery to
confirm the sale
of a house and
lot sold by C.
M. Thruston.

tion of the sale of said house and lot; and it shall be lawful for the court, if it shall appear advantageous to the interest of the said Mary Eliza Thruston, to decree a confirmation of said sale, on the said Charles M. Thruston's conveying to her, real estate in the city of Louisville of equal value, and to appoint a commissioner to make a deed of conveyance on the part of the said Mary Eliza Thruston, to the said purchaser; and the deed so made, and approved of by the court, shall be as effectual to pass the title to said house and lot, as if the said Mary Eliza Thruston were of full age, and had signed, sealed and delivered the deed herself.

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[Approved February 27, 1835.]

CHAP. 810.—AN ACT to amend an act authorizing the erection of a Bridge across Main Licking River, at or near its junction with the Ohio, approved February 22, 1834.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the ninth section of the act aforesaid, as requires that the permanent bridge provided to be constructed thereby, shall be erected so as to permit steam vessels of the largest size and height, to pass at the highest stage of water in the river, shall be, and the same is hereby repealed, and said bridge may be erected so as to permit boats and other vessels that can navigate said river, to pass at the usual highest stage of water therein.

Ninth section of the act authorizing the erection of said bridge repealed

[Approved February 27, 1835.]

CHAP. 811.—AN ACT to establish a Tobacco Inspection at the Town of Russellville.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That from and after the passage of this act, an inspection of tobacco is hereby established in the town of Russellville, in the county of Logan, subject to the same laws, rules and regulations, as other inspections of a similar nature in this commonwealth.

Tobacco inspection established at Russellville.

SEC. 2. *Be it further enacted,* That Jeremiah Rice and William Chastain, and John H. Grinter, be, and they are hereby appointed inspectors for said town of Russellville, whose duty it shall be to inspect tobacco,

Inspectors appointed.

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Their duty
and oath.

County court
may fill vacan-
cies.

and who shall, in the discharge of their duties, be governed by the same laws, rules, and regulations now in force in this commonwealth; and before entering upon the discharge of their duties as inspectors, shall take the usual oaths made and provided by the present existing laws.

SEC. 3. *Be it further enacted*, That in case of the death, resignation, removal or refusal to qualify, of either of the inspectors, that the county court of Logan county shall have power to appoint others in their stead.

[Approved February 27, 1835.]

CHAP. 812.—AN ACT to abolish the Election Precinct on Flat Creek, in Franklin County, and to change the place of voting in an Election Precinct in Jefferson County.

The Flat
creek precinct
in Franklin a-
bolished.

The place of
voting in a pre-
cinct in Jeff-
erson changed.

An election
precinct estab-
lished in Ma-
rion county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the act establishing an election precinct on Flat creek, in Franklin county, be, and the same is hereby repealed.

SEC. 2. That the election precinct in Jefferson county, authorized to be held at Hugh Stewart's, shall hereafter be held at the Oakland house.

SEC. 3. *Be it further enacted*, That an election precinct be, and the same is hereby established at the house of John S. Blandford, commonly called Lever's old springs, in the county of Marion. It shall be the duty of the county court of Marion county, to appoint judges and a clerk of the elections, to meet at the place aforesaid, who shall conduct the elections according to the laws of this commonwealth regulating elections.

[Approved February 27, 1835.]

CHAP. 813.—AN ACT for the benefit of John H. Baker.

Authorized
to erect a dam
across Salt riv-
er at Shep-
herdsville upon
certain condi-
tions.

Proviso.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for John H. Baker to erect a dam at or on the rapids of Salt river, at or near Shepherdsville, not exceeding nine feet high: *Provided*, That he shall put a good and sufficient lock in said dam, so as to permit boats, rafts, &c. of the usual size to pass said dam without injury to the navigation; and shall keep the same in constant

repair, and when necessary, properly attended, for the passage of boats, rafts, &c. *Provided further*, That said Baker, and all persons claiming under him, shall be liable to indictment for a nuisance, should said dam, at any time, prove injurious to the navigation of said river, and on conviction, to the abatement of said dam at his or their costs, by order of the court before which the conviction shall take place: *And provided further*, That said dam shall not destroy or injure the ford across said river at Shepherdsville: *Provided*, Boats, rafts, &c. shall, at all times, pass through said locks free of charge, and that said Baker shall be responsible for all delay, costs, loss of boats, rafts or other property, occasioned by the construction of said lock: *And provided*, That the legislature shall, at all times, have the power of repealing the law authorizing the building of said lock.

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Further proviso.

Further proviso.

[Approved February 27, 1835.]

CHAP. 814.—AN ACT to amend an act to encourage the Manufacture of Queensware.

Whereas Jacob Lewis, under an act, entitled an act to encourage the manufacture of queensware, approved the eleventh of February, eighteen hundred and thirty-four, authorizing him to select eight quarter-sections of land in the county of Hickman and McCracken, having clays suitable for the manufacture of queensware, has made entry on lands west of the Tennessee river, with the proper officer, and obtained certificates from numbers seven thousand eight hundred and eighty-eight to numbers seven thousand eight hundred and ninety-five, inclusive: now, for the more effectual encouragement of the manufacture of queensware,

Recital.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the proprietors of the Louisville pottery in the city of Louisville, shall have the exclusive right to use the lands so entered, for the space of five years, if they shall, for that length of time, continue the manufacture of queensware; and they shall have the right, at the termination of the five years, to pay into the treasury the state price for said land, and be entitled to carry the same into grant; and it shall be lawful for said Lewis to enter the balance of the eighth quarter-sections in the same counties, either

The Louisville pottery company allowed the use of lands entered for five years

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And at the end of 5 years to pay for and to carry same into grant.

And to enter other lands to be used & paid for in the same manner.

Proviso.

in sections or fractions, and for the Lewis Pottery company to have the use of the same for five years, if said company shall continue the manufacture of queensware for that length of time, and then to carry the same into grant on paying the state price: *Provided*, If any of the lands has been previously entered, then said Lewis, by delivering up his certificate to the receiver of the public moneys, may re-enter other lands, or may change his entry for other clays and pay for the land at any time within five years.

[Approved February 27, 1835.]

CHAP. 815.—AN ACT to incorporate the Owingsville and Big Sandy Turnpike Road Company.

Company
formed.
Style and title of same.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company shall be formed under the name, style and title of the Owingsville and Big Sandy Turnpike Road Company, for the purpose of forming and making an artificial road.

Capital stock.

SEC. 2. *Be it further enacted*, That the capital stock of said company, shall be eighty thousand dollars, to be divided into shares of fifty dollars each; and if it shall be found, that the amount of capital stock is not sufficient to accomplish the object of this act, then the president and directors may enlarge the same to such amount as they may deem necessary, and open subscription therefor, in such manner as they may think proper.

Books to be
opened third
Monday April
Owingsville.

SEC. 3. *Be it further enacted*, That the books for the subscription of stock in said company, shall be opened on the third Monday in April next, or as soon thereafter as convenient, at the town of Owingsville, under the direction of S. C. Bascom, John A. Turner, A. Trumbo, jr. Jacob Steel, Hugh Porter, Jesse Ryon, William M. Ragland and John W. Barnes; at Rice's cross roads, under the direction of John M. Rice, Hiram G. Barnes, William Barnes, William Moore, Thomas Hicks, James Staten, sen. James McClain and Hugh Kerrick; at Ile's mills, under the direction of Thomas Iles, Spencer Boyd, Williams Iles and John W. Richards; at Gill's mills, under the direction of Samuel C. Gill, N. Cougleton, J. G. Williams, John Sailer, John D. Stockton and Jonathan Mercer; at Robert M. Elliott's, under the direction of Robert M. Elliott, James Hunt and Robert Richards: at

At Rice's cross
roads.

At Iles' mills.

At R. M.
Elliott's

Powers', under the direction of H. S. Powers and John Richards; at Robert Henderson's, under the direction of Robert Henderson, James Offield, G. Scott and James Henderson; at the White house, Little Sandy Saline, under the direction of A. D. Mann, James Lampton, William Ward and ——— Plummer; at Catlettsburg, under the direction of Horatio Catlett, or some two or more of them at each place, who are appointed commissioners. The commissioners for each place, shall procure a book or books, and the subscribers to the stock of said company, shall enter into the following obligation in said book or books, to-wit: "We, whose names are hereunto subscribed, promise to pay to the president, directors and company of the Owingsville and Big Sandy Turnpike Road Company, the sum of fifty dollars for every share of stock in said company, set opposite to our names, in such manner and proportions, and at such times as they shall be required by the president and directors of said company, and agreeably to an act of the general assembly of Kentucky, incorporating said company. Witness our hands this ——— day of ——— ———." The said commissioners or a majority of them, shall give notice in three of the most public places, in the neighborhood of the places of opening the books as aforesaid, of the time and place of opening the books, for the subscription of stock in said company, and that they will continue open, until the amount of stock shall be subscribed.

SEC. 4. *Be it further enacted*, That so soon as five thousand dollars, or any part thereof of said stock, shall be subscribed, the said commissioners, or a majority of such of them as may act, shall, at such time and place as they may appoint, call a meeting of the stockholders, and hold an election for a president and five directors, who shall hold their offices for one year, and until others shall be duly elected and qualified; and the said president and directors shall, before they enter upon the duties of their office, take an oath before some justice of the peace, that they will faithfully discharge the duties of president or directors, (as the case may be) without favor or affection, according to the best of their judgment. Upon the qualification of the president and directors, they shall appoint a treasurer and such other officers, as they may deem necessary, who shall hold their office for one year, and until others shall be appointed, subject how-

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Henderson's.

Obligation of
subscribers for
stock.

When \$5000
is subscribed, a
meeting may
be called and a
president and 5
directors elect-
ed.

President &
directors to
take an oath.

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May appoint
a treasurer and
other officers.

Treasurer to
give bond.

President &
directors creat-
ed a body polit-
ic and corpo-
rate.

Style thereof.

Corporate
powers.

Com'rs. to
subscribe for
stock.

ever to be removed at any time by the said president and directors, a majority of two thirds concurring therein. The treasurer of said company shall, before he enters on the duties of his office, give bond with two or more good securities, in such penalty as the president and directors may direct, payable to the president and directors of said company, conditioned that he will faithfully discharge the duties of treasurer of said company, and that he will, when called on, pay the amount of money in his hands, or any part thereof, to the order of the president and directors, and that he will perform the duties required of him by the by-laws of said company.

SEC. 5. *Be it further enacted,* That upon the election and qualification of the president and directors as aforesaid, they shall be a body politic and corporate, in deed and in law, by the name, style and title of the Owingsville and Big Sandy Turnpike Road Company; and by the said name, the said company shall have perpetual succession, and all the privileges and franchises, incident to a corporation; and shall be capable of taking and holding their said capital stock, and the increase and profits thereof; and of purchasing, taking and holding to them and their successors, and assigns; and of selling, transferring and conveying in fee simple, all such lands, tenements and hereditaments, and estate real and personal, as shall be necessary to them in the prosecution of their work; and to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in courts of record, or any other place whatever; and also to have a common seal, and to do all and every matter and thing which a body politic and corporate may lawfully do.

SEC. 6. *Be it further enacted,* That so soon as the president and directors are elected and qualified, as provided for in the fourth section of this act, it shall be the duty of the commissioners appointed, by an act entitled an act, to amend an act making an appropriation to aid in the repair of the Sandy road, and to authorize a turnpike gate thereon, approved January 15th, 1831, to subscribe for, and on behalf of the commonwealth, for a number of shares equal to the sum appropriated by said act, or for so many shares as may be equal to the balance of said appropriation remaining unexpended on said road, at the time of the passage of this act, and pay over the money; which shares thus acquired, shall be held by the common-

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wealth and enjoyed in every respect as the balance of the stock of said company; and that all acts or parts of acts, authorizing said commissioners to lay out said money in the repairs of said road, shall be, and the same are hereby repealed.

SEC. 7. *Be it further enacted,* That the number of votes to which each stockholder shall be entitled, shall be according to the amount or number of shares he shall hold; and after the first election, no share or shares, shall confer a right of voting, which shall have been holden three months previous to the election. The stockholders may vote in person or by written proxy, the governor for the time being representing government stock, at every election, by himself or proxy; and no person who is not a resident of one of the counties through which the road passes, and a stockholder, shall be eligible to the office of president, director or treasurer, and the president and directors shall cease to be such on his or their ceasing to be a stockholder. The annual election for a president and directors, shall be held on the first Monday in April, at such place as the president and directors may direct; at which time, the president shall lay before the stockholders an expose of the situation of said company, also the record of their proceedings for the preceding year. The company shall have power to fix the days and places of their annual meetings and general elections, and pass all by-laws necessary for the regulation of their proceedings and interests, not inconsistent with the constitution and laws of this state, or of the United States.

SEC. 8. *Be it further enacted,* That the president and directors, first chosen as aforesaid, shall deliver a certificate, signed by the president, and countersigned by the treasurer, and sealed with the seal of said corporation, to each shareholder for the stock by him subscribed and held; which certificate or certificates shall be transferable on the books of said corporation, in person or by attorney, but no share shall be transferred until all the calls and arrearages are paid thereon; the original certificate of the share or shares transferred shall be surrendered, and a new certificate shall issue to the purchaser, who shall then be a member of said corporation, and entitled to all the privileges and benefits that the original owner was entitled to, subject to the restrictions herein provided for.

Number of votes to which stockholders are entitled.

Stockholders may vote by proxy.

President, directors or treasurer shall cease as such when not stockholders.

Annual election of president and directors.

Shall lay before stockholders annual report.

May make by-laws, &c.

President and directors shall give certificate of stock.

Which may be transferred.

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President may
call meetings of
the directors.

Record of
proceedings to
be kept.

Board may
allow compen-
sation to the
president and
treasurer.

President and
directors may
fill vacancies.

And appoint
all surveyors,
artists, &c.

And regulate
the time and
proportion of
payments on
stock.

President shall
give notice of
the amount of
call.

Penalty for
failing to pay
calls.

Stock forfeited

President may
sell stock.

No share-
holder shall
vote until all
calls are paid
up.

SEC. 9. *Be it further enacted,* That the president may call meetings of the directors at such times and places as he shall think proper; a majority of all the directors shall be necessary for the transaction of business. They shall keep a record of their proceedings, to be entered in a book provided for that purpose, and shall be signed by the president; and in case of the absence of the president, the directors shall elect a president *pro tempore*; and they shall adjourn from time to time, as they may think proper. The board of directors may also allow the president and treasurer a reasonable compensation for their services.

SEC. 10. *Be it further enacted,* That the president and directors shall have power to fill vacancies in their own body, occasioned by death, resignation or otherwise; to agree with, and appoint all such surveyors, engineers, superintendents, artists and officers as they shall judge necessary to carry on the contemplated work; to fix their salaries and wages, and to remove any of them at pleasure; to provide the time, manner and proportions in which the stockholders shall make payments, on their respective shares, to carry on said work, and draw orders on the treasurer for all moneys necessary therefor; and to do all such matters and things, as by this charter, and the by-laws of the corporation, they are authorized to do.

SEC. 11. *Be it further enacted,* That the president shall give at least twenty days' notice in the newspapers printed at Mountsterling and Flemingsburg, of the amount of the call on each share of the stock, and of the time of the payment; and if any stockholder shall neglect or refuse to pay his proportion of the stock for the space of thirty days after the time appointed for the payment thereof, every stockholder shall, in addition to the instalment called for, pay at the rate of one per cent per month, for every delay of such payment; and if he shall fail to pay the amount of such call and the penalty aforesaid, for the space of six months after the time such payment is required, he shall forfeit such share or shares to the corporation, and the amount that shall have been paid thereon; and the president, by order of the directors, after giving ten days' notice, may proceed to sell such forfeited shares: *Provided,* They will bring the amount due and unpaid upon such share or shares: *And provided also,* That no shareholder shall vote at any election, or be entitled to the rights of a member of said corporation, until the whole

amount due and payable as aforesaid, on the share or shares by him held, shall have been paid agreeable to the requisitions of the president and directors.

SEC. 12. *Be it further enacted*, That the said road shall be levelled and graded, that when completed, its greatest elevation shall not exceed five degrees; the whole width of the road shall be forty feet, and the artificial or graded part shall be thirty feet, where the ground will conveniently permit, and at no place less than fifteen feet, and be so ditched at the sides, and elevated in the middle, as to secure a permanent, firm and smooth road, at all seasons of the year, or as much so as practicable; and said road shall be constructed upon the principle of the Virginia turnpike, known as the Charlestown and Kenhawa turnpike, of which this is intended as a continuation; and said mode of construction shall be adhered to so far as is practicable by said company.

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Manner in which the road shall be graded

And according to the Charlestown & Kenhawa road

SEC. 13. *Be it further enacted*, That all the provisions, from the fourteenth to the thirty-eighth section inclusive, of an act, entitled an act to incorporate the Danville, Lancaster and Nicholasville Turnpike Road Company, approved February 22, 1834, except so far as is already provided for in this act, or may come in collision with the provisions of the same, and so far as the same are appropriate to the object and intent hereof, be, and the same are hereby adopted and enacted as a part of this act.

Certain sections of the Danville, Lancaster & Nicholasville turnpike road company adopted for the government of this.

SEC. 14. *Be it further enacted*, That the dividends which shall or may hereafter be declared on the ten thousand dollars subscribed by the commissioners on the part of the state, as is recited in this act, shall be, and the same are to be applied in aid of the construction of said road, or keeping it in repair, until otherwise ordered by the general assembly.

The dividends of the state to be applied in keeping said road in repairs.

SEC. 15. *Be it further enacted*, That when gates shall be erected on said road, it shall and may be lawful for the president and directors to appoint as many toll gatherers as they may deem requisite, and to collect and receive of, and from all and every person or persons using said road, the same rate of tolls that is or may be collected on the Charlestown and Kenhawa turnpike; and the Owingsville and Big Sandy Turnpike Road Company shall be governed thereby as to the amount of tolls taken or to be collected for the travel on said road, whether for persons or any species of stock, or any kind of conveyance.

President and directors may establish gates.

And collect the same tolls that are collected on Charlestown and Kenhawa road.

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The president and directors shall, as soon as ten miles of said road is made and received by said company, ascertain the rates of tolls established on said Charles-town and Kenhawa turnpike, and shall cause printed lists of the rates of tolls to be affixed on or near the gates across said road so received.

[Approved February 27, 1835.]

CHAP. 816.—AN AOT for the benefit of the Sheriff of Livingston County.

Whereas, it is represented to the present General Assembly of the commonwealth of Kentucky, that, from unavoidable circumstances, the sheriff of Livingston county was prevented from obtaining a credit for his delinquent list for the year 1834: therefore,

Allowed his
delinquent list
for the year
1834.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That upon the said delinquent list being presented to the auditor of public accounts, it shall be his duty to receive the said list, and upon its appearing in his office that said sheriff has not been credited with said list, and that said sheriff has paid the full amount of said list into the treasury, then, and in that case, it shall be the duty of the auditor to issue his warrant on the treasurer for the amount of said list in favor of said sheriff: *Provided,* said delinquent list is produced to the auditor on or before the 10th day of January, 1836.

[Approved February 27, 1835.]

CHAP. 817.—AN ACT for the benefit of the Sheriff of Calloway County.

Whereas, it appears that the sheriff of Calloway county forwarded to the treasury, by the representative of said county, the revenue tax due the commonwealth from said county, for the year 1834, and that four hundred and eighty-one dollars thereof was stolen from the said representative while on his passage to the seat of government, from which it appears that said sheriff has been in no default, but in good faith, sent said money for payment: therefore,

Sheriff of the
county of Cal-
loway released
from \$481.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said sheriff shall be, and he is hereby exonerated from the payment of said sum

of four hundred and eighty-one dollars; and the auditor of public accounts is hereby directed to allow the said sheriff a credit therefor upon a settlement with him for the said revenue tax for the year 1834.

[Approved February 27, 1835.]

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CHAP. 818.—AN ACT to amend the several acts in relation to Morgantown.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an act, entitled an act authorizing the sale of part of the public ground in Morgantown, approved December six, eighteen hundred and twenty, be, and the same is hereby repealed.

Act of 1820
repealed.

SEC. 2. *Be it further enacted*, That the trustees of the town of Morgantown, and their successors in office, be, and they are hereby authorized to lay off into lots thirty feet of ground, in front of the lots facing the public square, excepting so much as has been heretofore sold; and also thirty feet of ground in front of each lot on one side of the four ninety feet streets, through the whole length thereof, so as to make said streets straight, and correspond with the ground so laid off on the public square; and as soon as they shall have laid off said lots, they shall proceed to sell the same at public sale, having first given at least sixty days' notice in writing on the court house door in said town, on a credit of twelve months, taking bond from the purchaser with approved security: *Provided, however*, That the owner or owners of any lot in said town, shall have the right to purchase, of said trustees, at private sale, on the credit and terms aforesaid, the lot so laid off, in front of his, her or their lot, at, and for a sum proportioned to the original cost of his, her or their lot sold by the trustees of said town.

Trustees to
lay off lots.

And sell them
at public auc-
tion.

Owners of lots
may purchase
at private sale.

SEC. 3. *Be it further enacted*, That the said trustees have power and authority to carry into execution the contracts made with the trustees of said town, under and by virtue of an act approved January 23d, 1818, authorizing the sale of part of the public square in said town.

Trustees may
carry into exe-
cution the con-
tract of former
trustees.

SEC. 4. *Be it further enacted*, That said trustees are authorized to make conveyances of the lot or lots sold under the above recited act, approved January 23d, 1818, or which may be sold under this act,

Trustees to
make deeds for
lots sold and
pay over half of
proceeds to the
county court.

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and that said trustees, after paying all reasonable expenses, shall pay over one half of the proceeds arising from said sales, to the county court of Butler county, and the other half shall be applied to the use of said town.

[Approved February 27, 1835.]

CHAP. 819.—AN ACT to regulate the service of Process and Notices upon Corporations.

Whereas, doubts have arisen as to the mode of commencing suits against corporations, and also as to the mode of serving process and notices thereon: Therefore,

Service of process on chief of any corporation sufficient notice upon which to render judgment.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That service of process on the chief officer of any corporation created by any lawful authority within the United States, shall be as sufficient to authorize judgment by default, or a trial at the first term, as though such corporation were a natural person; and as to corporations where the chief officer of the same cannot be served with process, owing to the non-residence of the chief officer of the corporation, and such corporation shall have an agent or agency in this state, it shall be as sufficient service of process on such corporation to serve the process on the agent or chief officer of the agency, as though the service had been made on the chief officer of the corporation; and in the prosecution of any suit against any corporation, it shall be sufficient service of any notice to take depositions, and for other purposes in the progress of the suit, to serve the notice in like manner as the service of process is authorized.

If no chief officer in the state, then on the agent thereof.

No corporations, except banking, shall sue without executing bond.

SEC. 2. *Be it further enacted,* That no corporation, except banking corporations, shall institute any suit before any court of judicature in this commonwealth, without first entering into bond with good security, in the clerk's office in the county in which such suit may be instituted, under the same penalties and conditions as are required of non-residents suing in said courts, for the payment of all costs that may be decreed or adjudged against said corporation.

[Approved February 27, 1835.]

CHAP. 820.—AN ACT to change the time of holding the Russell County Court and Owen Circuit Court, and for other purposes.

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SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That from and after the March term of the Russell county court for the present year, the county court for said county, shall be held on the second Monday in each and every month in the year, except those months in which the circuit courts are holden, any law to the contrary notwithstanding.

Russell county court to be held on second Monday.

SEC. 2. *Be it further enacted,* That from and after the passage of this act, the Owen circuit court shall commence its spring term for the present year, on the last Monday in April, instead of the time now fixed by law, and may sit twelve juridical days.

Owen circuit court to commence on last Monday in April.

SEC. 3. *Be it further enacted,* That all recognizances or process which may require or provide for the attendance of persons before said court at its spring term, shall be held to require their attendance at the April term thereof, as established by this act.

Process made returnable to the terms of said court as changed.

SEC. 4. *Be it further enacted,* That from and after the first day of April next, the county courts of Harrison county shall be held on the first Monday in each month, instead of the second Monday as heretofore.

Harrison county court on first Monday.

SEC. 5. *Be it further enacted,* That the first week of the spring or March term of the Mercer circuit court, and the first week of the fall or September term of said circuit court, in each and every year, shall be devoted exclusively to the trial of criminal or chancery causes, any law custom or usage to the contrary notwithstanding: *Provided, however,* That said court may proceed in the trial of such causes at its July or summer term as heretofore.

First week of spring and fall term of Mercer circuit court devoted to criminal and chancery causes.

SEC. 6. *Be it further enacted,* That all criminal and chancery process, issuing from and returnable to said court, at its terms to be holden in March and September, shall be made returnable, on the first days of those terms respectively as heretofore; and that all common law process issuing from or returnable to said court, at its terms to be holden in March and September aforesaid, shall be made returnable on the first Mondays in April and October respectively, in each and every year.

Criminal and chancery process made returnable to first days of March and September terms.

Common law process made returnable on 1st Mondays in April and October.

[Approved February 27, 1835.]

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CHAP. 821.—AN ACT to amend an act, entitled an act to construct a Turnpike Road from Covington through Williamstown and Georgetown, to Lexington, in Fayette County.

Points of location.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the president and directors of the Covington and Lexington Turnpike Road Company, are hereby required, in addition to the points heretofore directed to be made by the above recited act, to locate said road on the line on which it can be constructed with the least expense to the company, from Georgetown by Thornsbury and Peter Jones'.

Rate of tolls.

SEC. 2. *Be it further enacted*, That instead of the tolls heretofore authorized to be collected by said company, they shall and may receive from every person or persons using said road, the following tolls, viz: for every twenty head of sheep, hogs, or other small stock, six and a fourth cents; for every five head of cattle, six and one fourth cents; for every horse, mule, ass, or other four footed animal of a larger kind, except cattle, four cents each; for every sly or sled with one horse, six and one fourth cents; for every two horse wagon, two wheel pleasure carriage or cart, twelve and one half cents each; for every four wheel pleasure carriage, or wagon, with four or more horses, mules or oxen, twenty-five cents; for every wagon with four wheels, drawn by four or more horses, mules or oxen, whose wheels shall exceed four inches in width, twenty cents; or exceed six inches in width, fifteen cents: *Provided* That all persons going to and from all elections, church on Sunday, and musters, shall be exempt from paying toll on said turnpike road.

Twentieth section of charter repealed.

SEC. 3. *Be it further enacted*, That so much of the twentieth section of said act as authorizes said company to collect a fine of fifty dollars, be, and the same is hereby repealed, and in lieu of said fifty dollars, they are hereby authorized to collect a fine of five dollars.

[Approved February 27, 1835.]

CHAP. 822.—AN ACT to amend the law in relation to Search Warrants.

Search warrants may be issued to search

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for any justice of the peace of this commonwealth, upon the

application and affidavit of any individual, that he has cause to suspect, and does verily believe, that any individual named by the applicant, does harbor or conceal his or her slave or slaves, in his or her dwelling, out house or kitchen, or suffers it to be done, it shall be lawful for any justice of the peace, to whom such application be made, and he is hereby commanded to issue his warrant, directed to the sheriff, or any constable of the county in which application is made, authorizing and directing a search to be made for such slave or slaves in the dwelling, out house or kitchen, of the individual named in the warrant.

SEC. 2. *Be it further enacted*, That the sheriff or constable shall be entitled to the same fee now allowed for serving such warrants, to be paid by the applicant.

[Approved February 28, 1835.]

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for slaves concealed or harbored, &c.

To be executed by a sheriff or constable.

Fees therefor.

CHAP. 823.—AN ACT for the benefit of Jane Turner and Eliza Angelina Rogers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Jane Turner and her husband, John Turner, is hereby dissolved, and the said Jane restored to all the rights and privileges of a *feme sole*. That the marriage contract between Charles B. Rogers and Eliza Angelina Rogers, shall be, and the same is hereby dissolved; and the said Eliza Angelina Rogers, is hereby restored to all the rights of a *feme sole*, and to her maiden name of Eliza Angelina Alexander.

[Approved February 28, 1835.]

CHAP. 824.—AN ACT to authorize the Sheriff of Campbell County to execute bond at the March term of the Campbell County Court.

Whereas, it is represented that Stacy Reeves, sheriff of the county of Campbell, omitted, or failed to execute his official bond or bonds, required by law. For remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful, for the said Stacy Reeves, sheriff of said county of Campbell, to execute the official bond or bonds, required by law to be executed, at the next March term

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of the county court of Campbell; which said bond or bonds, when executed, shall be as legal and binding, in all respects, as if executed at the time prescribed by law.

[Approved February 28, 1835.]

CHAP. 825.—AN ACT to repeal an act allowing an additional Constable in the County of Whitley, and for other purposes.

The act allowing a constable in Whitley repealed.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the second section of an act, allowing an additional constable to the county of Campbell, and for other purposes, approved February 22, 1834, be, and the same is hereby repealed.

The number of justices of the peace in Lincoln county reduced.

SEC. 2. *Be it further enacted,* That from and after the passage of this act, upon the death, resignation or removal from office, of any justice of the peace, in and for the county of Lincoln, or upon the office of any such justice hereafter becoming vacant, by his succeeding to the sheriffalty of said county, or from any other cause whatever, no successor shall be appointed, commissioned or qualified, to fill the vacancy, until the number of justices of the peace, in and for the county of Lincoln, shall be reduced to thirteen; which shall thereafter be the permanent number of the justices of the peace, in and for said county.

An additional justice allowed to Hardin.

SEC. 3. *Be it further enacted,* That an additional justice of the peace be allowed to the county of Hardin.

[Approved February 28, 1835.]

CHAP. 826.—AN ACT for the benefit of the Heirs of Charles Taylor, deceased, and others.

Whereas, it is represented to the General Assembly of the commonwealth of Kentucky, that Charles Taylor, late of Orange county of Virginia, departed this life in 1821, having first made and published his last will and testament, which was duly recorded in said Orange county, and leaving all his real and personal estate, both in the state of Virginia and Kentucky, to his children who are named in said will; and appointing four executors, two of whom, to-wit: Thomas Jenkins and Robert Taylor, jr. alone qualified without security, it being so required in and by said will; that

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the said Jenkins has since departed this life, and the said Robert Taylor, jr. is the sole surviving executor: and whereas, doubts are entertained of the authority of the said Taylor, singly to execute said will, under the present laws of Kentucky, by selling said land, and especially as infants are concerned, the question is more dubious. For remedy whereof,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the said R. Taylor, jr. surviving executor as aforesaid, shall have all the rights and powers under said will, that were vested in said executors jointly and severally; and shall do and perform any and all acts, touching the estate of said testator, that might or could have been made and performed by the said Jenkins and himself jointly in the premises.

SEC. 2. *Be it further enacted,* That it shall be lawful for the administrator, and the guardian or guardians of the infant heirs of William E. King, to file a petition in the nature of a bill in chancery, against the adult heirs of W. E. King, in the Nelson or Shelby circuit courts, alledging that the estate of said King is indebted beyond what the personal estate will pay; and that it will be to the interest of the estate, to substitute land, either in whole or part, for the payment of the debts, in lieu of the slaves; and the court shall cause an estimate of the personal estate and debts to be made; and if it shall appear to be to the interest of the estate, that land should be substituted, in whole or in part, for the payment of debts, instead of slaves, it shall be lawful for the court to decree a sale of lands for the payment of the debts, and to direct what land shall be sold, and the minimum price, and to cause the proceeds to be applied to the payment of debts; and in other respects to proceed as directed by an act authorizing the circuit courts to sell the estate of infants in certain cases, approved February 3, 1813.

Adm'r. and guardian may file a petition in chancery.

Court may decree land to be sold instead of slaves.

SEC. 3. *Be it further enacted,* That it shall be lawful for the adult and infant devisees of James Gough, sen. deceased, to file a petition in the nature of a bill in chancery, against their mother and her present husband, in the Scott circuit court, alledging that it would be to the interest of the devisees of said Gough, to have the real estate devised to them in the county of Scott sold, and the interest of their mother in the same settled on equitable principles; and to have the shares of the infant devisees vested in lands in the state of

The devisees may file a bill for the division of the estate.

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Missouri, or some of the new states; and the court shall have power and authority, if it shall appear to be the interest of the infant devisees, and the adult parties shall consent, to decree a sale of the devised lands, fixing in the decree the minimum price, and give to the mother of the said devisees her equitable part of the proceeds of the sale; and to cause the shares of the infant devisees to be vested in lands in the state of Missouri, or some of the other new states, and in all other respects to proceed as directed by an act, entitled an act authorizing the circuit courts to decree a sale of infants' estate in certain cases, approved February 3, 1813.

SEC. 4. *Be it further enacted*, That Eleanor L. Morton, of Jessamine county, shall, and may avail herself of all the advantages of this act, subject to like restrictions.

[Approved February 28, 1835.]

CHAP. 827.—AN ACT to incorporate the Augusta, Cynthiana and Georgetown Turnpike Company.

Company
formed, and
style thereof.

SEC. 1 *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company shall be, and the same is hereby formed, for the purpose of making a turnpike road upon the McAdam plan, from Augusta, in Bracken county, to Georgetown, Scott county, by the way of Claysville and Cynthiana, under the name and style of the president, directors and company of the Augusta, Cynthiana and Georgetown Turnpike road.

Capital stock.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be one hundred thousand dollars, divided into shares of one hundred dollars each.

Books shall
be opened, and
where.

SEC. 3. *Be it further enacted*, That books for the subscription in the stock of said company shall be opened on the first Monday in July next, unless the commissioners hereafter appointed shall fix an earlier day, at Augusta, Cynthiana and Georgetown, under the direction of the commissioners hereinafter mentioned; that is, at Augusta, under the direction of Squire G. Shropshire, George Doniphan, Nicholas Stronhe, Richard D. Dobbins and Thomas Myers; at Cynthiana, under the direction of William Whitehead, sen. Isaac Miller, Larkin Garnett and Joseph Shanhon; at Georgetown, under the direction of James F. Rob-

Commissioners

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inson, John Herndon, Matthew Bartlett and James Wash. The commissioners named at each of the foregoing places, or any three of them, shall procure one or more books, and in each of them enter as follows: We whose names are hereunto subscribed, do promise to pay to the president, directors and company of the Augusta, Cythiana and Georgetown Turnpike company, the sum of one hundred dollars, for every share of stock in said company, set opposite our names, in such manner and proportions, and at such times as shall be determined on by the president and directors of said company, and agreeably to an act of assembly of the commonwealth of Kentucky, incorporating said company. Witness our hands, this day of in the year . The said commissioners shall give, in one or more of the public newspapers, printed in the cities of Maysville and Lexington, one months' notice of the times and places at which books will be opened, to receive subscriptions for stock in said road; at which times and places, some one or more of the commissioners above named, at each place, shall attend, and permit all persons of lawful age, bodies corporate or politic, who shall offer to subscribe in said books, in their own names, or that of any other person, who shall duly authorize the same, for any number of shares in the said stock. The said books shall be kept open for the purpose aforesaid, by adjournment from place to place, and from time to time, until the whole number of shares shall be subscribed; of which adjournments the said commissioners shall give such notices as the occasion may require: *Provided*, That the president and directors of said company shall not have power to call in more of said stock than ten dollars on each share, in any sixty days.

SEC. 4. *Be it further enacted*, That when two hundred and fifty shares of said stock shall have been taken, the commissioners shall give thirty days' notice in one or more of the newspapers printed at Lexington or Maysville, that the number of shares required by the act of incorporation to organize the company, have been subscribed; and that an election will be held at Augusta, to choose, by a majority of the votes of the subscribers by ballot, to be delivered in person, or by proxy duly authorized, a president, ten directors, a treasurer, and such other officers, as they may think necessary to conduct the business of said company, for one year, or until other such officers shall be elected.

Form of obligation.

Com'rs. to give notice of time and place of opening books.

May adjourn from place to place and from time to time.

When certain amount of stock is taken, company may be organized.

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Created a
body politic
and corporate.

Corporate
powers.

How road
shall be con-
structed.

Certain sec-
tions of Louis-
ville, Eliza-
bethtown and
Bowlinggreen
established for
the regulation
of this.

SEC. 5. *Be it further enacted*, That when the company shall be thus organized, they shall be, and are hereby declared, a body politic and corporate, in deed and in law, by the name, style and title, of the president, directors and company of the Augusta, Cynthiana and Georgetown turnpike road; and by the said name, the said subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding the said capital stock, and the increase and profits thereof; and of enlarging the same, from time to time, by new subscriptions, in such manner and form, as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act; and of purchasing, taking and holding to them and their successors and assigns, and also of selling, transferring and conveying in fee simple, all such lands, tenements and hereditaments, and estate, real and personal, as shall be necessary to them in the prosecution of their works; and of suing and being sued, impleading and being impleaded, answering and being answered, defending and being defended, in courts of record, or any other place whatsoever; and also to make, have and use a common seal, and the same to break, alter and renew at pleasure; to make such by-laws and regulations, not inconsistent with the laws and constitution of this commonwealth, and of the United States, as shall be necessary for the well ordering of the affairs of said company; and to do all and every matter and thing, which a corporation or body politic may lawfully do.

SEC. 6. *Be it further enacted*, That the whole width of said road shall be forty feet; the graded part whereof, shall be, at all places where the ground will admit of it, at least thirty feet in width, and the artificial or McAdamized part thereof, shall be covered with pounded stone, at least thirteen feet in width, in the middle of the graded road, and put on nine inches thick.

SEC. 7. *Be it further enacted*, That all the provisions from the fifth to the twenty-eighth section inclusive, of an act entitled "an act to incorporate a company to establish a turnpike road from the city of Louisville, by the mouth of Salt river, Elizabethtown, Munsfordville and Bowlinggreen, to the state line, in the direction to Nashville," approved February 2, 1833, except so far as is already provided for in this act, or may come in collision with the provisions of the same, and

so far as the same are applicable to the object and intent hereof, be, and they are hereby adopted and enacted as a part of this act; and all the rules for the government of said corporation, from the fifth to the twenty-eighth section of said recited act, not inconsistent herewith, are hereby adopted for the regulation and government of the Augusta, Cynthiana and Georgetown turnpike company, except that the elevation of said road, when graded, shall not exceed three degrees, and that persons shall not be exempt from toll, when passing and repassing on said road to worship, except on Sundays.

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[Approved February 28, 1835.]

CHAP. 828.—AN ACT for the benefit of Isaac Smith.

Whereas, it is represented to this legislature, that Isaac Smith, in twice travelling to Tennessee, and while there, necessarily expended the sum of thirty dollars, in efforts under the direction and authority of the governor of this commonwealth, to demand and receive of the governor of Tennessee, a certain culprit, named James Hodges, against whom an indictment had been found by the grand jury of the Warren circuit court for felony; for which expenditure, said Smith hath received no remuneration: Wherefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the auditor of public accounts is hereby directed to issue his warrant, authorizing the treasurer to pay said Isaac Smith thirty dollars, out of any money remaining in the treasury, not otherwise appropriated.

[Approved February 28, 1835.]

CHAP. 829.—AN ACT to amend an act, entitled an act to amend the law establishing the Town of Warsaw, in Gallatin County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the fourth section of an act, entitled an act to amend the law incorporating the town of Warsaw (late Federicksburg) in Gallatin county, approved December 15, 1832, be, and the same is hereby repealed; and the citizens of the town of Warsaw be hereafter compelled to work all roads leading to and from said town, one mile from the limits of the

A part of the act of 1832, repealed.

The citizens of said town compelled to work on certain public roads.

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town, except the road leading up and down the Ohio river, which road the citizens of the town of Warsaw shall work half a mile each way, from the town limits.

[Approved February 28, 1835.]

CHAP. 830.—AN ACT for the benefit of the Infant Heirs and Devisees of Carter B. Foster, deceased.

Whereas, it is represented to the general assembly of the commonwealth of Kentucky, That Carter B. Foster, formerly a citizen of Barren county, Kentucky, died some twelve or thirteen years ago, after having devised a tract of land, lying in said county, containing by survey three hundred acres, of which he died seized, to his widow and his two children, Robert A. Foster and Catharine Foster, in equal portions; and that since, the widow of the said Carter B. Foster, to-wit: Eliza Jane Foster, has intermarried with Terrence Cooney, and that the said Cooney and wife, and the infant children of said Foster, are residents of the state of Tennessee: Wherefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for Terrence Cooney and wife, to file their petition in the Barren circuit court, praying that they may be authorized to sell the tract of land aforesaid; and it shall be the duty of the court to appoint a guardian, *ad litem*, for the infant heirs and devisees of said Carter B. Foster, to attend to the interest of said infants; and if, on the hearing of the cause, it shall appear to the court that it will advance the interest of the said infants to sell the aforesaid tract of land, the judge shall decree a sale to be made in such manner as he shall think most for the advantage of the said infants, subject however, to the final ratification of the court; and the judge, on confirming the sale, shall and may make such order or decree for the payment of the purchase money, to the guardian of the said infants, or to such other person as the court may think proper, for the use and benefit of the said infants, and to the said Cooney and wife; and if necessary, to take bond and security of the guardian or other person, if directed, to be paid over to any person other than the guardian aforesaid, for the faithful payment of said money, according to the decree of said court.

SEC. 2. *Be it further enacted*, That after confirming

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the sale, it shall be lawful for the court to cause the interest of said infants, and the interest of the said Cooney and wife, if they shall pray for a sale of their interest in said tract of land so sold, to be conveyed to the purchaser or purchasers, by a deed in writing, to be signed and sealed by a commissioner, to be appointed by the court; which deed shall be exhibited by the commissioner, and acknowledged by him in open court, after being approved by the court, shall be entered at large on the order book, and be effectual to pass all the right, title and claim of the said Cooney and wife, and the infants of the said Carter B. Foster.

[Approved February 28, 1835.]

CHAP. 831.—AN ACT to amend the act, approved February 22, 1834, to amend the Charter of the City of Louisville, and to amend the Charter of the City of Covington.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That so much of the fourth section of the act of assembly, to amend the charter of the city of Louisville, approved February 22, 1834, as makes it illegal for the marshal of the city of Louisville to make out a fee bill, and collect the same, for summoning a jury in any case where the jury shall not be sworn, and therefor subjected to fines and penalties, is hereby repealed.

The marshal of the city of Louisville authorized to issue and collect his fee bills for summoning juries.

SEC. 2. *Be it further enacted*, That the marshal of the city of Louisville, from and after the passage of this act, shall be authorized to charge and collect a fee for summoning a jury in any case, as he is allowed in cases where the jury are sworn.

SEC. 3. *Be it further enacted*, That all fines and forfeitures which may have been assessed within the city of Covington, since the first day of April, 1834, either before the mayor of said city, or any justice of the peace residing therein, shall be for the use of said city of Covington; and all fines and forfeitures hereafter assessed in said city, either before the mayor or any justice of the peace within said city, shall be for the use of said city.

The fines and forfeitures accruing in the city of Covington appropriated to the use of said city.

SEC. 4. *Be it further enacted*, That it shall and may be lawful for the mayor and council of said city, to borrow money on the faith and credit of the corporation, and to pledge any of the corporation property for the redemption of the same, or to pledge any part of

The mayor and council of said city authorized to borrow money on the credit of

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said city, and to pledge the corporation property for its re-payment.

The mayor may award process to be executed by a constable.

the future taxes of said city, for the payment of the interest of such loan: *Provided*, That the interest paid, shall in no event exceed six per centum per annum: *And provided further*, That the amount on loan to said corporation, shall not exceed twenty-five thousand dollars at any time.

SEC. 5. That when it shall become necessary in order to cite or compel the attendance of any person or persons, before the mayor of said city, to testify in any suit pending before him, and such persons shall reside without the corporation; or when it may be required to enforce or carry into effect, any judgment or order of said mayor, against any person or persons, without the same, it shall and may be lawful for him to award the proper process, directed to any constable, who shall execute the same, and be guided and under the same liabilities and penalties, as if the same had been awarded by a justice of the peace.

[Approved February 28, 1835.]

CHAP. 832.—AN ACT to authorize the taking of Depositions in Civil Causes, depending before Justices of the Peace.

Depositions may be taken and read in trials before justices of the peace, in certain cases.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That depositions may be taken and read as evidence on warrants and motions depending before justices of the peace in any civil cause, upon the same terms and conditions, and under such restrictions, as depositions may be taken and read in common law causes depending in the circuit courts, with the like power to issue a dedimus for taking the deposition of a witness absent from the state.

[Approved February 28, 1835.]

CHAP. 833.—AN ACT to allow one additional Constable to Bullitt County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county court of Bullitt, shall appoint one additional constable for said county, who shall reside on Chappel ridge.

[Approved February 28, 1835.]

CHAP. 834.—AN ACT for the benefit of the Laurel County Seminary.

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Whereas, it is represented to the present General Assembly, that six thousand acres of land in the district west of the Tennessee river, was granted to the Laurel county court, the rents and profits of which was to be applied to the purposes of education, and no other; and whereas, it is represented that the rents and profits of said land cannot be of any advantage to said county, situated three hundred miles from it, without further legislation: Therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall and may be lawful for the justices of said county, a majority being present and concurring therein, to sell any part or all of her seminary land, and apply the proceeds thereof to the purchase of a suitable situation for her seminary, and the building of a suitable house out of lasting materials, upon such plan as may be agreed upon by said court, within one half mile of the court house, in the town of London, and the balance, if any, to the purpose of education.

The county court authorized to sell their seminary lands and erect suitable buildings therefor.

SEC. 2. *Be it further enacted,* That it shall and may be lawful for said county court to convey all its title to said land, by the assignment of the receiver's certificate, either by its own act in open court, or by the appointment of a commissioner to make such assignment, to any purchaser of said land; and upon the production to the register of the land office, the receiver's certificate thus duly assigned, it shall be his duty to issue patents thereon, in the name of such assignee or assignees.

And authorized to make conveyances or assignments of the land so sold

Register to issue patents to the purchasers.

SEC. 3. *Be it further enacted,* That if it shall hereafter appear, that the agent of said county court has located any portion of said land upon any prior claim, occupant or lake, it shall and may be lawful for the county court, or her assignee, to make another selection, upon the surrender of any such certificate to the receiver; in case of an occupant, to such occupant; upon the payment of the then state price to the county court or her assignee, at the option of the court or her assignee.

When the lands of said seminary are located on prior claims, &c. the court or assignee may locate other lands in lieu thereof.

SEC. 4. *Be it further enacted,* That it shall and may be lawful for the aforesaid county court, to make her agent such allowance as she may think proper, to be paid out of the proceeds of the land.

County court may make an allowance to the agent.

[Approved February 28, 1835.]

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CHAP. 835.—AN ACT to secure to persons taking up Slaves that escape from their Masters, compensation for their services.

Compensation
allowed for the
arrest of run-
away slaves.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That when any person or persons, whether citizens of this state or not, who shall hereafter arrest, and secure within any jail in this commonwealth, or deliver to the owner, any slave that shall have runaway from his or her owner, shall be entitled to receive for his or their services in taking up and securing said slave, the compensation hereinafter named, to be paid by the owner.

Amount of
allowance for
such services.

SEC. 2. That when such slave is arrested in the county in which the owner resides, the sum of ten dollars; when arrested in any other county, the sum of twenty dollars; if arrested out of the state, not less than the sum of thirty dollars; or such sum as may be assessed by a jury to be empanelled for that purpose, as hereinafter directed.

Amount of
compensation,
how to be as-
certained if the
owner and tak-
er up cannot a-
gree.

SEC. 3. That when any person shall arrest any slave that has so, as aforesaid, runaway from the owner, out of this state, and shall deliver such slave to the owner, or secure him or her either in the jail of the county first entered after crossing the line of the state, or of the county where the owner reside—if the owner, and the person or persons so taking up and securing said slave, cannot agree upon the compensation due, then by application made by said taker up of the slave to any justice of the peace of the county where said slave is confined, or delivered to the owner, such justice shall issue his warrant to any constable of the county, commanding him to summon the owner of such slave, to appear before said justice, on some day to be named, not exceeding five days after the date thereof; and also commanding said constable to summon twelve men qualified to serve as jurors, to appear before the said justice, on the return day of said writ, which jury shall be sworn by said justice, and shall assess such compensation as the person or persons so taking up said slave shall be entitled to, under all the circumstances attending the arrest, and securing said slave; and said justice shall enter judgment and issue execution for the amount of said verdict and costs of the trial, as in other cases. If the amount of said judgment, besides costs, shall not exceed fifty dollars, then there shall be no appeal, replevy, or stay of execution. If the judgment shall exceed fifty dollars, no exception shall be taken to the

Judgment to
be entered and
execution to is-
sue therefor.

same, for any supposed want of jurisdiction by the justice; but an appeal shall be allowed to the circuit court of the county.

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[Approved February 28, 1835.]

CHAP. 836.—AN ACT to amend the several acts concerning the Wilderness and Goose Creek Turnpike Roads.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the gatekeepers on said road, shall each be compelled to attend their respective county courts, and in addition to the bond already given, take an oath in open court, faithfully to discharge their duties according to law, and they are hereby required, each, to provide a durable book, and enter therein all the moneys received at said gate as toll, under the proper heads, agreeable to law, each day in every month in every year; and each report they are required to make to the different county courts by law, shall be accompanied by an affidavit, stating that the amount reported is the true amount taken from the books of said gate, for the particular section of said road, and Goose creek turnpike road, signed by some justice of the peace.

Gate keepers to take an oath of office.

To keep a book and enter therein all receipts of tolls received.

Their returns to be made on oath.

SEC. 2. *Be it further enacted*, That if, from any unavoidable cause, either of the gatekeepers on said road cannot attend to the duties of his office, it shall and may be lawful for either of them to appoint an assistant or deputy, and such assistant or deputy shall, before he enters upon the discharge of the duties of his office, take an oath, faithfully to set down under the proper heads, and account for all the moneys received by him as toll, at said gate, and the keeper shall be responsible for the conduct of his assistant or deputy.

The gate keepers may appoint deputies.

Who are also to take oath.

SEC. 3. *Be it further enacted*, That hereafter, no toll shall be demanded or collected from any stage passenger, or person riding in any pleasure carriage, at any of the turnpike gates on said road, and thirty-seven and one half cents shall hereafter be the toll upon a one horse dearborn, wagon or carryall; and fifty cents shall be the toll upon a two horse dearborn, wagon or carryall, at the turnpike gate on Cumberland river.

Amount of tolls which may be collected at the gates.

SEC. 4. *Be it further enacted*, That it shall be the duty of the gatekeeper, at the Madison and Crab Orchard

Gate keepers of the Madison and Crab Orchard

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Orchard gate to collect the same tolls as those collected at the other gates.

The duty of said gate keeper pointed out.

And of the manager and overseer of the road.

gates, to collect the same tolls that is allowed by law, to be collected of persons travelling to and from the Saltworks, at the Goose creek gate; and said keepers shall keep a separate and distinct column in their books, in which they shall set down all tolls received by them from persons travelling to and from said works, each day in every year, and make inquiry of all persons whether they are going to or from said saltworks; and if said gatekeeper thinks it necessary, he, she or they shall answer upon oath, and report the amount of tolls once in every six months, upon oath to the Clay county court; and said court shall order the same to be recorded, and pay over to the present manager, or any other that said court may appoint from time to time; and said superintendent shall receipt to said gatekeepers for the amount paid; and said superintendent may appoint one or two overseers to superintend said work, for which he may give them any sum not exceeding one dollar per day for their services; if there is but one overseer, he shall reside in Laurel county, and said overseer shall be under the control of said manager, and may be discharged at any time, by paying him for his services rendered, and said manager may attend to said road without any overseer; and said superintendent shall be allowed one dollar per day for his services, in settling with said gatekeepers, overseers or superintending the work himself; all laws coming in the purview of this act, are hereby repealed.

The law authorizing a turnpike on the Goose creek road, and exempting persons from paying toll, repealed.

SEC. 5. *Be it further enacted*, That all laws authorizing a turnpike gate for the collection of tolls on the Goose creek turnpike road, and all laws exempting persons with their property travelling to and from Goose creek saltworks, from payment of toll at the Madison and Crab Orchard turnpike gates, near Rockcastle river, be, and the same is hereby repealed.

The com'r's. appointed to the Goose creek road to settle with the overseer of said road, and pay his account.

SEC. 6. *Be it further enacted*, That it shall be the duty of the commissioner, appointed by the Clay county court, to superintend the Goose creek turnpike road, to settle with the gatekeeper of said road, and upon such settlement, if there should remain any money belonging to said road, in the hands of said gatekeeper, to pay the account of the overseer appointed by the Laurel county court, to work on said road, agreeably to an act of the legislature, approved 22d February, 1834, and if not then, the claim of said

overseer shall be paid out of the first money collected at the Madison and Crab Orchard gates, for the Goose creek road, with interest from the first day of December 1834, until paid.

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SEC. 7. *Be it further enacted*, That for the additional services to be performed by the gatekeepers on the Madison and Crab Orchard branches of the Wilderness turnpike road, they shall be each allowed twenty-five dollars, to be retained out of the Goose creek fund, in addition to their present salary; and in case of either of the gatekeepers upon said road failing to comply with the provisions of the first section of this act, it shall be the duty of the proper authority to proceed to appoint a successor.

Salary of the gatekeepers increased.

Gate keepers may be removed from office, &c.

[Approved February 28, 1835.]

CHAP. 837.—AN ACT for the Internal Improvement of the State of Kentucky,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That for the purpose of improving the navigable streams of this commonwealth, and establishing a permanent system of internal improvement within the state, a board of commissioners shall be created, to be styled "the Board of Internal Improvement;" to consist of four members, to-wit: the governor, for the time being, shall be, *ex officio*, a member, and president of the board; and three other members shall be nominated by the governor, and approved of by the Senate, who shall be citizens of the state; and shall, severally, before entering on the duties of their offices take an oath faithfully to do and perform the duties imposed on them by law; and in all cases of vacancy, by resignation, death, or otherwise, in the recess of the legislature, the governor shall have power to fill such vacancy: *Provided*, said board, with the exception of the president thereof, shall be annually appointed in the manner herein provided.

A board of internal improvement appointed.

To take an oath of office.

Vacancies, how filled. *Proviso.*

SEC. 2. That the said board of internal improvement, any three of whom shall form a quorum to do business, shall have power to employ one principal engineer, at an annual salary not exceeding two thousand dollars.

The board to appoint a principal engineer.

SEC. 3. That it shall be the duty of said board to cause to be surveyed all such navigable streams and public turnpike roads as the legislature may hereafter,

The board to cause certain rivers & routes for chartered

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turnpike roads
to be surveyed
and report to
the legislature.

The board au-
thorized to sub-
scribe for stock
in chartered
turnpike road
companies.

Proviso.

The governor
authorized to
issue and sell
the bonds or
scrip of the
state to meet
the subscription

Appropriations
made for im-
proving cer-
tain navigable
streams, and
the amount to
each.

or have heretofore directed, or may have chartered companies to improve or make, as to them may appear of sufficient public interest to have surveyed; and shall lay before the legislature at their next session, within ten days after the commencement thereof, a report of such surveys as the engineer may make to the said board, with the estimated costs, practicability, and public utility of the proposed work.

SEC. 4. That the said board of internal improvement be, and they are hereby authorized, on behalf of this commonwealth, to subscribe for stock in any incorporated company now existing, (and in which the capital stock is not wholly taken up,) for the purpose of constructing any turnpike road in this commonwealth, an amount not exceeding the amount of stock subscribed by individual stockholders; and in like manner, said board are authorized to subscribe, on behalf of the commonwealth, in all chartered turnpike companies hereafter created, stock to an amount equal to the subscription of individual stockholders in said company: *Provided*, That in all companies heretofore created, in which the commonwealth has already taken stock, such stock shall be considered as part of the stock hereby authorized to be taken; and the said board shall, only, in such cases, be authorized to take such additional stock as shall make the interest of the state equal to that of the individual stockholders.

SEC. 5. *Be it further enacted*, That the governor of this commonwealth be, and he is hereby authorized and required, from time to time, to issue the bonds or scrip of this commonwealth, for such sum or sums as may be required to pay the several sums or amounts subscribed to incorporated turnpike road companies, or to the improvement of navigable rivers, under the authority of this act; and to sell and to dispose of said bonds or scrip to any individual or body corporate, bearing an interest not exceeding five per cent per annum, redeemable at any time after twenty years, and within thirty years from the date thereof.

SEC. 6. That there shall be, and is hereby appropriated, for the purpose of carrying into effect and completing the improvement of the navigation of Green and Barren rivers, the sum of one hundred thousand dollars; to improve the navigation of Kentucky river, the sum of one hundred thousand dollars; to improve the navigation of Licking river, fifty thousand dollars; of Salt river and the Beech and Rolling

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forks thereof, forty thousand dollars; to Cumberland river from the mouth of Laurel creek, in Whitley county, to the Tennessee line, thirty thousand dollars; of Big Sandy, twenty-five thousand dollars; of Bayou du Chien, one thousand five hundred dollars; of the Kentucky river, above the three forks, and for removing fish dams in any part of said river, five thousand dollars; of the Big south fork of Cumberland river, ten thousand dollars; of Tradewater and Panther creek, five thousand dollars, to be divided equally between them; of Pond river, five thousand dollars; of Rockcastle river, nine thousand five hundred dollars; to improve Green river from Greensburg to Page's warehouse, three thousand dollars: *Provided*, That the appropriations herein made to the foregoing rivers, with the exception of Green river, and five thousand dollars to Kentucky river, shall not be drawn, nor any loan or sale of bond or scrip, made with reference thereto, until a survey shall have been made, and a plan of said improvement, with the estimated cost thereof, shall have been submitted by the engineer to the board of internal improvement, and by them approved; and said report of the engineer and board shall, also, be submitted to, and receive the sanction of the legislature, before said appropriations shall be expended: *Provided further*, That the board of internal improvement hereby constituted, shall, (if the United States' engineer, who surveyed the Cumberland river last year, has, or does report the practicability and utility of improving said stream,) approve and adopt said survey, and the sum hereby appropriated to said river, shall be expended without any other survey being made; and if said United States' engineer has or does not report favorable, the state engineer shall survey said stream, and when he reports the practicability and utility of improving said stream, and said report shall be approved by the board of internal improvement and the legislature, then the sum hereby appropriated, shall be expended.

Proviso.

Further proviso.

SEC. 7. *Be it further enacted*, That the stock of the commonwealth, in any incorporated turnpike road company, together with all tolls and profits receivable on such stock, be, and the same is hereby pledged for the payment of said bonds at maturity, hereby authorized to be sold, together with the interest contracted to be paid on the same.

The stock of the state in turnpike roads and the dividends pledged for the redemption of bonds or scrip.

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The governor to report to the auditor the amount of bonds or scrip sold, to be by him reported to the legislature.

The board to make an annual report, to keep a record of their proceedings. Yeas & Nays may be required on questions.

May draw on the auditor for expenses incurred in making surveys.

The governor may appoint an agent to sell the bonds or scrip. Proviso.

No subscription for stock in roads to be made, until an equal amount shall be subscribed by individuals.

Authorized to make othersubscriptions under direction of the legislature.

Appropriations to rivers not to be applied to roads, until legislature refuse to approve of.

SEC. 8. That it shall be the duty of the governor, whenever he shall execute and sell any of the bonds of the state, under this act, to report the same to the auditor of state, with a statement of the amount so sold, the interest payable on the same, and the time they are redeemable, and the purpose and object to which the money has been, or is to be applied. And the auditor, in his annual report to the legislature, shall make a true statement thereof.

SEC. 9. That the said board of internal improvement shall keep a record of all their proceedings under this act, and shall make a report to the general assembly of the same, at each session thereof, within one week after the commencement. The opinion of said board upon any question before them, shall be taken at the request of any member thereof, by yeas and nays, and the same recorded. And for all expenses incurred by them in causing said surveys to be made under this act, the auditor of the commonwealth shall, on the certificate of the president of the board, issue his warrant on the treasurer, who is hereby directed to pay the same out of any moneys in the treasury appropriated for internal improvement.

SEC. 10. That the governor is hereby authorized to appoint one or more suitable agent or agents, to sell the bonds or scrip, or negotiate a loan on behalf of the commonwealth, herein authorized: *Provided*, said loan or sale of scrip shall not exceed in amount, one million of dollars, without further authority from the legislature.

SEC. 11. *Be it further enacted*, That no subscription of stock, on the part of the commonwealth, in any turnpike road company, shall be paid by the board of internal improvement, until said board shall be satisfied, by the oath of the president of said company, that an equal amount has been, *bona fide*, paid in by individual stockholders.

SEC. 12. *Be it further enacted*, That said board shall, from time to time, make such other subscriptions to, incorporated turnpike companies as the legislature may direct.

SEC. 13. *Be it further enacted*, That the sums hereby appropriated to the rivers specified in this act, shall, in no event, be applied to the improvement of turnpike roads, until the board of internal improvement and the legislature shall (after a survey and plan of im-

proving said streams shall be made) refuse to approve of the same.

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SEC. 14. *Be it further enacted*, That the board of internal improvements, in subscribing for stock under this act, in the several turnpike roads now chartered, or which may be hereafter chartered, shall not subscribe more than one third of the sum hereby authorized to be borrowed, for the purpose of making such roads on the north side of the Kentucky river; and in like manner, not more than one third of the sum aforesaid, on roads between the Kentucky and Green rivers; and in like manner, not more than one third of the aforesaid sums on roads on the south side of Green river: *Provided*, That if the said board of internal improvements should not be called on, according to the provisions of this act, to subscribe the full amount of money authorized to be borrowed under this act for making turnpike roads, within one year, then, and in that event, the aforesaid board of internal improvements, may subscribe the sum which may remain unsubscribed, in turnpike roads in any part of this commonwealth, where individuals or corporate bodies may have subscribed and paid in the like amount which the said board of internal improvements may be required to subscribe.

Amount authorized to be subscribed to turnpike roads, to be subscribed equally on the north side of Kentucky river, Green river and south of Green river.

Proviso.

SEC. 15. *Be it further enacted*, That the proceeds of the vacant and unappropriated public lands in the district of country west of the Tennessee river, which may have been entered after the fifteenth day of January, 1835, or which may hereafter be entered, shall be, and the same are hereby appropriated and set apart, to be equally divided between the counties of Calloway, Graves, Hickman and McCracken, for the purpose of improving the most important roads, and clearing out the obstructions to the navigation of the most important navigable streams of said counties; and which shall be applied in manner and form as hereinafter directed; for the accomplishment of which objects, all the vacant and unentered lands in said district, from and after the passage of this act, are hereby appropriated to the said counties, and their proceeds set apart for the above named purposes.

The proceeds of the lands west of Tennessee river appropriated to the counties west thereof, equally, for the purpose of internal improvement.

SEC. 16. *Be it further enacted*, That Jeremiah C. Wilkins, John Irvin, Reuben E. Rowland, Elisha Hardy, and John Sample, of the county of Calloway, shall be, and they are hereby constituted a board of commissioners for said county; that Crawford Ander-

Boards of com'rs. appointed in said counties.

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Their duties
and powers.

son, Lewis Gray, Henry Wheeler, Jonathan Pryor, and Amos Atkin, of the county of Graves, shall be, and they are hereby constituted a board of commissioners for said county; that Thomas Helm, William Hunt, Richard P. Wright, E. A. Daniel, and Benjamin Davis, of the county of Hickman, shall be, and they are hereby constituted a board of commissioners for said county; and that John McEyla, A. W. Naylor, John Hardin, Francis A. Harrison, and John Crice, of the county of McCracken, shall be, and they are hereby constituted a board of commissioners for said county. And it shall be the duty of the said several boards of commissioners to superintend the application of their respective shares of the money hereby appropriated to the improvements contemplated by this act, the particular objects of which they shall have full power to select, having due and primary regard—first, to the building and erecting of bridges, on the most important public roads, at the most eligible sites of the impassable streams; next, to the crosswaying of the bottoms and swamps on the most important public roads; and lastly, to the clearing out of the obstructions to the navigation of the navigable streams of their respective counties.

May fill vacancies in their boards, keep a record of their proceedings, elect a treasurer, who is to give bond.

SEC. 17. *Be it further enacted*, That the said several boards shall have power to fill vacancies which may, from time to time, happen in their bodies; and shall keep a full and complete record of their proceedings; and at their first or second meeting, select one of their own body as a treasurer, who shall enter into bond with good security, to be approved of by the county court, in such penalty as the court shall prescribe, payable to the members of the board for the time being, and their successors, and conditioned for the safekeeping of all such moneys as may come to his hand, as treasurer of said board, and for the faithful delivery thereof to his successor, or for the disbursement of the same, in pursuance of the order of the board.

The receiver of public money to make semi-annual payments to each board.

SEC. 18. *Be it further enacted*, That it shall be the duty of the receiver of the public moneys to make an equal division of the proceeds of the lands entered in his office, between the said counties, after deducting therefrom his per centage, once every six months, from and after the 15th January, 1835, and pay over to the treasurer of each board their respective share, taking from the treasurer his receipt therefor; all of which

the receiver shall report to the legislature at their annual sessions. And all laws requiring said receiver to make settlements with the auditor of public accounts, or to pay over the proceeds of said lands to the treasurer of the commonwealth, or to make semi-annual reports, and all laws inconsistent with the provisions of this act, shall be, and the same are hereby repealed.

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The laws requiring him to report and settle with the auditor, repealed.

SEC. 19. *Be it further enacted*, That when any of said boards shall select any object of improvement, such as is contemplated by this act, they shall employ some competent person or persons to examine such object, so selected, and estimate the cost thereof, who shall report to the board the best practicable plan of such improvement, and the probable cost thereof; after which, the said board, if to them, upon consideration, it shall seem expedient, shall proceed to let the making or erection of the same, to the lowest bidder, which shall be done at the door of the court house, on the first day of some public court, unless for good cause, the board shall otherwise order and direct: *Provided*, That the said board shall first advertise the letting thereof, at three of the most public places in the county, for thirty days previous thereto; in which advertisements, shall be designated the nature and plan of such improvement: *And provided further*, That upon letting the same, they shall take from the undertaker, bond with approved security, in such penalty as the board shall prescribe, payable to the members of the board for the time being, and their successors, and conditioned for the faithful performance of his undertaking.

The boards to employ some competent persons to examine objects of improvement, to estimate the cost, &c.

Contracts, how to be let.

Previous.

Further proviso.

SEC. 20. *Be it further enacted*, That whenever any such undertaker shall have finished and completed such work or improvement, he shall make report to the board, who shall appoint two of their own body to examine the work; and if they find that the same has been well performed, according to the contract, the report shall be received in full discharge of the bond of the undertaker, and shall be recorded by the board as part of their proceedings.

Undertaker to report to the board the completion of the contract, &c.

SEC. 21. *Be it further enacted*, That the members of the said boards of commissioners shall each receive one dollar per day, for every day they may be necessarily employed in attending to the duties devolving upon them by virtue of this act, to be paid out the county levy of the county for which they shall have been

Com'rs. pay.

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Engineer,
when and how
to be paid.

SEC. 31. *Be it further enacted,* That when the said work is fully completed, and that fact is reported to the governor by the commissioners, the auditor of public accounts be authorized, and is hereby required to draw his warrant on the treasury in favor of Henry J. Eastin, for such sum of money as said commissioners shall certify to him that the said Eastin is entitled to, as his compensation for his services in engineering and superintending the construction of said road.

[Approved February 28, 1835.]

CHAP. 838.—AN ACT to amend the Penal Laws of this Commonwealth, and the better to secure and guard the right of Suffrage, and freedom of Elections therein.

Penalty on a
sheriff for fail-
ing to attend to
compare votes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That if any sheriff, deputy sheriff, or other officer, whose duty it shall be by law, to attend at any time and place prescribed by law, for the faithful comparison of the polls, of votes given at any election held in this commonwealth, under and by authority of law, for the election by the people, of a member of Congress, governor or lieutenant governor of the state, members of either branch of the state legislature, electors of president and vice president, or for any other officer or officers, whose election is prescribed or authorized by law, shall wilfully and fraudulently fail, or refuse to attend at the time and place fixed by law for the meeting of the sheriffs, or other officers for such purpose, with intent to defeat such election, and to prevent the computation of the votes given by the people in his county, town, city, precinct or district, or if he shall, with like intent and purpose, fraudulently withhold his poll books, and refuse to permit a count and comparison of the same, according to the requirements of the law, he shall be adjudged guilty of a high misdemeanor; and upon conviction thereof, shall be imprisoned in the jail of his county, not more than six, nor less than three months, to be fixed by the jury, before whom tried, and removed from office; and shall moreover be liable to a fine of one thousand dollars, before any court, having competent jurisdiction of such sums, by indictment of a grand jury of the county in which such offence may have been committed; and shall, in default of the payment of such fine, be committed to the jail of the county

For withhold-
ing " his poll
books.

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until it be paid; and shall likewise for such offence, be disqualified from voting in this commonwealth, for the term of five years.

SEC. 2. *Be it further enacted*, That if any sheriff, or other officer, whose duty it is to give to the candidates elected by the people, at any of the elections for the offices or stations mentioned in the first section of this act, shall fail or refuse to give a certificate of election to such candidate, when lawfully required to do so, with a fraudulent intent to defeat the election of such person, the sheriff, or other officer so offending, shall be liable to the same penalties imposed in the first section of this act, for the offences therein provided for, and be liable to be proceeded against in the same manner.

For failing to give certificate to the person elected.

SEC. 3. *Be it further enacted*, That if any person shall counsel, advise, aid or assist any sheriff, deputy sheriff or other officer, to commit either of the offences described in the first and second sections of this act, he shall be liable to the same pains, penalties and imprisonment; and liable to be proceeded against in the same manner as is provided against sheriffs or other officers in the first and second sections hereof.

Penalty on accessories.

SEC. 4. *Be it further enacted*, That it shall not be lawful for the judges, clerks or sheriffs, whose duty it shall be to hold any election by the people of this commonwealth, for any officer thereof, or for any member of congress, to take or receive the vote of any person at any other time or place, than that fixed by the constitution and laws of this state. And the judges, clerks or sheriffs, who shall be guilty of violating the provisions of this act, or any such judge, clerk or sheriff, who shall knowingly permit any person to vote at any election, who is not entitled to suffrage, or to vote at any time and place, when and where they are not entitled to so vote, shall be guilty of a high misdemeanor, and upon conviction thereof, by presentment or indictment of a grand jury, and a regular trial of such indictment or presentment by a jury of the country, shall be liable to removal from office as sheriff or justice of the peace, in the mode now provided by law and the constitution; and such clerk shall be incapable ever after to act as clerk of any election in this state; and any and all of such officers, shall moreover be liable to a fine of one thousand dollars, before any court having jurisdiction thereof, in like manner, upon presentment or indictment; and upon failing to pay the same, shall be im-

Officers of election not to take votes at any other time or place than that fixed by law.

Not to permit a person to vote who is not entitled to vote.

Penalty.

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Officers may
for good cause
change place of
voting.

prisoned until the same be paid, and to an imprisonment in the jail of the county, not more than six, nor less than three months, to be fixed by the jury by whom tried.

SEC. 5. *Be it further enacted*, That when for any good cause in the opinion of the officers appointed by law to hold such elections, the same cannot be holden at the house appointed by law, or the owner or tenant of such house, will not permit it to be done, the judges and sheriff shall publicly proclaim the same on the morning of the first day of such election, and proceed to the place nearest to that fixed by law, and most convenient, and there hold said election. And it shall be the duty of the judges and sheriff to proclaim, on the day and at the time aforesaid, the place to which they adjourn, to hold such election.

[Approved February 28, 1835.]

CHAP. 839.—AN ACT for the benefit of Ann C. Riggs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract existing between Ann C. Riggs and her husband, Benjamin A. Riggs, be, and the same is hereby disannulled; and the said Ann C. is hereby restored to all the rights and privileges of an unmarried woman; and that she hereafter be called and known by the name of Ann C. Logan.

[Approved February 28, 1835.]

CHAP. 840.—AN ACT for the benefit of Cordelia M. Peck.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract existing between Isham T. Peck and Cordelia M. Peck his wife, be, and the same is hereby dissolved, and the said Cordelia M. restored to all the rights and privileges of a *feme sole*.

[Approved February 28, 1835.]

CHAP. 841.—AN ACT to incorporate the Flemingsburg and Mayslick Turnpike Road Company.

Company in-
corporated.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company shall be,

and the same is hereby formed, for the purpose of making a turnpike road, upon the McAdam's plan, from Flemingsburg to intersect the Maysville, Washington, Paris and Lexington turnpike road, the nearest and best route to intersect said road at or near Mayslick, under the name and style of the President, Directors and Company of the Flemingsburg and Mayslick Turnpike Company.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall not exceed fifty thousand dollars, divided into shares of one hundred dollars each.

Capital stock.

SEC. 3. *Be it further enacted*, That the books for subscription in the stock of said company shall be opened on the first Monday in May, 1835, (unless the commissioners hereafter mentioned shall fix some other day,) at Flemingsburg, Mayslick, Maysville, Poplar Plains and Elizaville, under the direction of the commissioners hereinafter named, viz: at Flemingsburg, Thomas Porter, John Donaldson, James Crawford, William Botts, Samuel Stockwell, Thomas Wallace, Robert Andrews, William S. Botts and Thomas W. Fleming; at Mayslick, under the direction of Asa R. Runyon, John Triplett, William V. Morris, Jasper S. Morris, Larkin Sandridge, William Hodge, Leroy Dobyns, Edwin Poague and James Tibbs; at Maysville, under the direction of Richard Collins, William B. Phillips, Andrew M. January, Robert Langhorn, James N. Morrison, William Mackey, William M. Poyntz, Christian Shultz and R. H. Lee; at the Poplar Plains, under the direction of John W. Stockwell, Samuel C. Pearce, Lewis Pearce, Avery Grimes, Joseph Howe and Daniel Morgan; at Elizaville, under the direction of William W. Blair, Thomas T. Summers, Morton Green, Tarpley Taylor, Henry Bishop, Henry Bruce, Rolly S. Porter and Elijah Johnston. The commissioners herein named, or any three of them, shall procure one or more books, and in each of them enter as follows: "We, whose names are hereunto subscribed, do promise to pay to the president, directors and company of the Flemingsburg and Mayslick turnpike road company, the sum of one hundred dollars for each share set opposite our names, in such manner and proportion, and at such times as shall be determined on by the president and directors of said company, and agreeable to an act of assembly of the commonwealth of Kentucky, incorporating said company. Witness our hands, this — day of —,

Books for subscription of the stock to be opened.

Commissioners

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in the year —.” The said commissioners shall give, in one or more of the public newspapers printed in Flemingsburg and Maysville, one month's notice of the time and place at which books will be opened to receive subscription for stock in said company, at which time and place some one or more of the commissioners above named, at each place, shall attend and permit all persons of lawful age, bodies corporate or politic, who shall offer to subscribe in said books, in their own names, or that of any other person who shall duly authorize the same, for any number of shares in said stock. The said books shall be kept open for the purpose aforesaid, by adjournment from place to place, and from time to time, until the whole number of shares shall be subscribed, of which adjournment the said company shall give such notice as the occasion may require: *Provided*, That the president and directors of said company shall not have power to call in more of said stock than ten dollars on each share in any sixty days.

Officers to be
elected.

SEC. 4. *Be it further enacted*, That when two hundred and fifty shares of said stock shall have been taken, the commissioners shall give thirty days' notice in one or more of the newspapers printed at Maysville and Flemingsburg, that the number of shares required by the act of incorporation to organize the company have been subscribed, and that an election will be held at Flemingsburg or Mayslick, (as the commissioners may determine,) to choose, by a majority of the votes of the subscribers, by ballot, to be delivered in person, or by proxy duly authorized, a president, ten directors, a treasurer, and such other officers as they may think necessary to conduct the business of said company, for one year, or until other such officers shall be elected.

Corporate powers.

SEC. 5. *Be it further enacted*, That when the company shall be thus organized, they shall be, and are hereby declared a body politic and corporate, in deed and in law, by the name, style and title of the President and Directors and Company of the Flemingsburg and Mayslick Turnpike Road; and by the said name the said subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking, and holding said capital stock and the increase and profits thereof, and of enlarging the same, from time to time, by new subscriptions, in such manner and form as they shall

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think proper, if such enlargement shall be found necessary to fulfil the intent of this act; and of purchasing, taking and holding, to them and their successors and assigns, and also of selling, transferring and conveying, in fee simple, all such lands, tenements, hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their work; and of suing and being sued, impleading and being impleaded, answering and being answered, defending and being defended, in courts of record or any other place whatsoever; and also to make, have and use a common seal, and the same to break, alter and renew at pleasure, to make such by-laws and regulations not inconsistent with the laws and constitution of this commonwealth and of the United States, as shall be necessary for the well ordering the affairs of said company, and to do all and every other matter and thing which a corporation or body politic may lawfully do.

SEC. 6. *Be it further enacted*, That the whole width of said road shall be fifty feet, the graded part whereof shall be thirty feet in width, and the artificial or McAdam's part thereof shall be covered with pounded stone, nine inches thick, and not less than ten, nor more than twenty feet wide.

Road, how
made.

SEC. 7. *Be it further enacted*, That all the provisions, from the fifth to the twenty-eighth section, inclusive, of an act, entitled an act to incorporate a company to establish a turnpike road from the city of Louisville, by the mouth of Salt river, Elizabethtown, Munfordsville and Bowlinggreen, to the state line in the direction to Nashville, approved February the second, eighteen hundred and thirty-three, except so far as is already provided for in this act, or may come in collision with the provisions of the same, and so far as the same are applicable to the object and intent hereof, be, and they are hereby adopted and enacted as a part of this act; and all the rules for the government of said corporation, from the fifth to the twenty-eighth section of said recited act, not inconsistent herewith, are hereby adopted for the regulation and government of the Flemingsburg and Mayslick turnpike company, except that the elevation of said road, when graded, shall not exceed two and a half degrees, and that persons shall not be exempt from toll when passing and repassing on said road to worship, except on Sunday.

A former law
adopted & re-
enacted.

SEC. 8. *Be it further enacted*, That the said president, directors and company, shall be, and they are hereby

Gates & tolls.

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authorized, when any four miles and one half of said road shall be finished, to erect a gate, and to charge and collect the toll herein provided; and when the whole of said road shall have been finished, according to the provisions of this act, then it shall be lawful for said company to erect on said road two gates: *Provided*, said gates shall not be nearer each other than five miles.

[Approved February 28, 1835.]

CHAP. 842.—AN ACT to amend an act concerning the Dower and Jointures of Widows, approved December 19, 1796.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall not be required, in allotting and assigning to widows their dower, in the lands of their deceased husbands, to give them one third part of each separate tract and parcel of land; but dower may be lawfully assigned, by giving them one third part of all the husband's lands, in one or more parcels, as will best suit the interest of all parties: *Provided*, That when dower is claimed in lands aliened or devised to different persons, that dower shall be assigned, as heretofore, out of each separate tract.

[Approved February 28, 1835.]

CHAP. 843.—AN ACT authorizing the City of Louisville to establish Gas Lights in said City.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the city of Louisville to establish gas works, and cause said city to be lighted with gas; and for that purpose they are authorized to levy and collect an additional tax of twenty-five thousand dollars a year, for the period of four years.

[Approved February 28, 1835.]

CHAP. 844.—AN ACT for the benefit of Sarah Pepper.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Abner Pepper and Sarah Pepper, so far as respects said Sarah, be, and the same

is hereby dissolved, and the said Sarah is restored to all the rights and privileges of an unmarried woman, and that she hereafter be authorized to resume her former name, "Sarah Merrill."

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[Approved February 28, 1835.]

CHAP. 845.—AN ACT to change the place of holding the Election in the North Middletown Precinct in Bourbon County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter the election in the North Middletown precinct, in Bourbon county, shall be held in any house in the said town of North Middletown which the judges of the election shall select; they having the place proclaimed by the sheriff at the door before the election commences, and to continue at the same place during the election.

[Approved February 28, 1835.]

CHAP. 846.—AN ACT to legalize the Proceedings of the Bracken County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the proceedings of the county court of Bracken, at their May, June and July terms, eighteen hundred and thirty-four, be, and the same are hereby legalized, and made valid to all intents and purposes.

[Approved February 28, 1835.]

CHAP. 847.—AN ACT to authorize Justices of the Peace to render Judgments against Constables and their Securities, for failing to return Executions and paying over Moneys collected by them.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That in all cases where constables have, or may collect money on executions issued on judgments rendered before a justice of the peace, or have, or may collect any money on a distress warrant of fifty dollars and under, or fifty dollars and under on any notes, accounts, fee bills or other claims put into his hands for collection, and shall fail or refuse to pay the same, or any part thereof, to the person entitled to receive the same, on either a parol or written demand; then, in all such cases, the constable and his securities shall be liable, jointly and sev-

For failing to
pay over mo-
ney collected.

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erally, for the same, with interest at the rate of fifteen per cent per annum, from the time the same ought to have been paid, until paid, recoverable by motion on ten days' notice in writing, before a justice of the peace, and in all such cases where the amount exceeds five pounds, either party may take an appeal to the circuit court of the county, under the same rules and regulations that appeals are had in other cases exceeding five pounds, from the judgment of a justice of the peace: *Provided*, That the motion shall be made within two years from the time the money ought to have been paid over; that whenever any constable shall fail to return any execution to the justice of the peace who issued the same, or to the justice having the custody of his papers within thirty days after the return day, with a written return endorsed of what he has done with the same, without good and sufficient cause, he and his securities shall be liable, jointly and severally, for the amount of such execution, together with thirty per cent damages thereon, recoverable by motion before a justice of the peace, on ten days' notice in writing, and either party may take an appeal to the circuit court of the county, in all cases where the amount exceeds five pounds, in the same manner that appeals are taken from the decision of justices in other cases above five pounds.

To return ex-
ecutions.

SEC. 2. *Be it further enacted*, That if any constable shall fail to return any execution to the justice who issued the same within thirty days after the return day, it shall be lawful for the justice to make a rule on the constable to return such execution with an endorsement on the same of what he has done with it, and to enforce such rule, at the costs of the constable, and whenever the amount of any judgment before a justice shall appear to be collected, it shall be lawful for the justice forthwith to issue and collect his fee bill in such case.

[Approved February 28, 1835.]

CHAP. 848.—AN ACT to repeal in part an act to regulate Ferries on the Tennessee river and part of Cumberland river.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of an act, entitled "an act to regulate ferries on the Tennessee river and part of Cumberland river, approved January

Additional fer-
ries may be es-
tablished at
Smithland.

nineteenth, eighteen hundred and twenty-seven," as prohibits the county court of Livingston county from establishing any ferry over the Cumberland nearer than one mile above or one mile below any other ferry which has been heretofore established, or may hereafter be established, be, and the same is hereby repealed, so far as said river binds upon or lies within the limits of the town of Smithland, and no farther; but this act is not to be construed as any way obligatory upon said county court to establish any other ferry across said river.

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[Approved February 28, 1835.]

CHAP. 849.—AN ACT to amend an act, entitled an act to incorporate the Franklin Insurance Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the said insurance company shall have power and authority to vest its funds in stocks of any kind whatever, or lend out the capital upon real or personal security, as the officers of said institution may think proper.

May vest its capital in stocks or lend it out.

SEC. 2. *Be it further enacted*, That at any time after the said corporation shall have been in operation six months, the president and directors thereof shall have power to increase the capital stock thereof four hundred thousand dollars, if they shall deem it expedient, to be taken and subscribed for in shares of one hundred dollars each, on such terms as the said president and directors may require.

May increase capital stock.

[Approved February 28, 1835.]

CHAP. 850.—AN ACT to discontinue the Inspection of Tobacco at the Warehouse of William H. Boothe, in the City of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the mayor and council of the city of Louisville, on the application of William H. Boothe, to discontinue the tobacco inspection at his warearehouse in Louisville, established by an act of the legislature, approved the tenth of December, eighteen hundred and twenty-two, at such time as in their judgment will best suit public convenience, and in the interest of said Boothe; and instead of said inspection and warehouse, the mayor and

Mayor and council may discontinue the inspection and establish another.

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council shall have power and authority to establish another tobacco inspection and warehouse in the city of Louisville, by such name as they may designate, and annually to appoint three inspectors to such warehouse under the rules, regulations, limitations and restrictions that county courts are now authorized to appoint tobacco inspectors, and to require like bonds and securities, and to remove such inspectors at pleasure.

[Approved February 28, 1835.]

CHAP. 851.—AN ACT for the benefit of Shelton Morris and others.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Shelton, Hannah, Elizabeth, John and Alexander Morris, shall inherit, and be entitled to distribution of the estate of their deceased brother Richard Morris, and shall inherit, and be entitled to distribution of each other's estate, in the same manner, and to the same beneficial extent, as though they had been children born in lawful wedlock.

[Approved February 28, 1835.]

CHAP. 852.—AN ACT to amend an act, entitled an act for classing Tobacco in this Commonwealth, and for other purposes, approved December 13, 1820.

Former law
repealed.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the first section of an act entitled "an act for classing tobacco in this commonwealth, and for other purposes," approved December the thirteenth, eighteen hundred and twenty, shall be, and the same is hereby repealed.

Tobacco not
to be classed
into 3 classes.

SEC. 2. *Be it further enacted,* That instead of denominating tobacco as belonging to one of three classes upon inspection, as directed by the said section hereby repealed, it shall hereafter be the duty of the inspectors of tobacco in this commonwealth, upon inspecting any hogshead or cask of tobacco, to declare and pass as merchantable all such tobacco as they may find to be good, sound, clean of trash, and well put up, and pass all the residue not coming within such a description as condemned tobacco.

[Approved February 28, 1835.]

CHAP. 853.—AN ACT for the benefit of Emigrants.

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Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act, it shall be lawful for any person or persons emigrating to Kentucky, with the intention to reside therein, from any foreign nation, to purchase and hold all such lands and real estate within Kentucky, as he, she or they may desire, and the same to pass by descent, devise or otherwise, as if such emigrant were a natural born citizen of Kentucky.

May hold real estate.

[Approved February 28, 1835.]

CHAP. 854.—AN ACT to incorporate the Flemingsburg Lyceum.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That James Crawford, Thomas Porter, Andrew Todd, M. P. Marshall, D. K. Stockton, W. T. Boyd, Thomas Throop, W. S. Botts, J. A. Caven, J. M. Campbell, L. D. Stockton, jr. F. A. Andrews, L. D. Andrews and G. Scarborough, are hereby created a body corporate and politic, by the name and style of the President and Directors of the Flemingsburg Lyceum; and by that name and style, shall and may have a common seal, with power to change and alter the same at pleasure, and may contract and be contracted with, sue and be sued, plead and be impleaded, before any court of judicature in the commonwealth, and shall have power to take and hold by grant, gift or devise, any estate real and personal, and to sell and convey the same, for the use and benefit of the said institution.

The company incorporated, style thereof, & general corporate powers.

SEC. 2. *Be it further enacted,* That the said president and directors of the Flemingsburg Lyceum, shall have, and they are hereby given power and authority, to elect by ballot, on the first Monday in April in each year, (if not otherwise ordered by the said body corporate,) a president, secretary and treasurer of said corporation, to have and to exercise all such power, privileges and duties, as appertain to their respective offices, and such as are necessary and proper for the good conduct and management of the concerns of said institution; and the proceedings of said corporation shall be evidenced by the signature of the president of said corporation, and the secretary thereof, in a record by him to be kept for that purpose.

The company authorized to elect a president, secretary, and other officers.

Acts of corporation, how evidenced.

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May regulate
the admission
of members, &
enact by-laws.

Sec. 3. *Be it further enacted,* That the president and directors of said institution shall regulate, in such manner and mode as they may deem expedient, for the admission of members into said institution, and to make by-laws for its government, to be entered on its record, and open to the inspection of the members of said institution.

Officers to be
elected annu-
ally, and fill
vacancies in
their own body

Sec. 4. *Be it further enacted,* That the president and directors of said Flemingsburg Lyceum, and the officers of the same, shall hold their respective offices for the term of one year, and shall be annually elected by ballot, in each year on the first day of April, by the members of said institution; and the said president and directors shall have power to fill all vacancies, that may occur by death or otherwise between the annual elections aforesaid.

[Approved February 28, 1835.]

CHAP. 855.—AN ACT for the benefit of the Green River Female Academy.

Recital.

Whereas, it is represented to the present General Assembly, that the citizens of Todd county have subscribed two thousand dollars as stock, in shares of twenty-five dollars each, to be applied to the erection of suitable buildings for the Green River Female Academy, and it is proposed, that the profits of said institution, beyond what is necessary to defray the current expenses, shall be distributed as dividends in equal proportions among the owners of such stock; and it is represented that the sum aforesaid is not adequate for the purpose aforesaid, and whereas this general assembly is anxious to sustain every well directed effort to diffuse the benefits of popular education: therefore,

An appropriation
conditionally
made to
said institution.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That whenever the president and board of trustees of the Green river female academy, shall present their certificate in writing, sworn to by the president of the board, to the auditor of public accounts, stating the fact that two thousand dollars of the stock subscribed for the erection and completion of said academy, is actually paid to said trustees, the auditor shall thereupon issue his warrant to the treasurer of the Commonwealth of Kentucky, in favor of said trustees, for the sum of five hundred dollars, which sum, on the conditions aforesaid, is hereby appropriated

to the said academy; and the treasurer aforesaid shall charge the same to the literary fund of this commonwealth.

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[Approved February 28, 1835.]

CHAP. 856.—AN ACT for the benefit of John H. Slaughter and James T. Curd.

Whereas it is represented to the present General Assembly of the Commonwealth of Kentucky, that John H. Slaughter and James T. Curd have obtained a grant of one thousand acres of land each, and have had the same surveyed under what is commonly called the salt water act, around or near their salt water prospects, that John H. Slaughter has expended much money in making the experiment, and they are both in very limited circumstances: therefore,

Be it enacted by the Commonwealth aforesaid, That the state price for the same be, and the same is hereby remitted, and that each of them may return plats and certificates of said surveys to the register of the land office, who is hereby authorized to register the same, and issue patents thereon by virtue of this act.

[Approved February 28, 1835.]

CHAP. 857.—AN ACT for the benefit of Elizabeth Thompson.

Whereas it appears, that Thomas Thompson, deceased, in his life time, was possessed of two hundred acres of land in the county of Union, which he held by purchase, and upon which he settled his family, and after having sold a part thereof to other persons, departed this life, leaving his wife Elizabeth Thompson, and a large family of children, all of whom, except one, are infants under the age of twenty-one years, but leaving no property of any consequence, except said land; and it appearing further, that the said Elizabeth, upon the advice of counsel, purchased an outstanding title to said land, which had been set up against the heirs of her deceased husband, and procured the said outstanding title to be conveyed to the said heirs, for which she agreed to pay one hundred and ten dollars, sixty dollars of which yet remains unpaid, and it appearing further, that the said Elizabeth is not well

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able to pay the said sixty dollars, and that she acted in good faith for the benefit of said heirs: therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the said Elizabeth Thompson to file her petition or bill in chancery in the Union circuit court against the heirs of her deceased husband, stating the facts of the case, and if the chancellor shall be satisfied upon the hearing of the case, that the foregoing facts, or such of them as he may deem material, are substantially proven, he shall order and decree so much of said land to be sold, as will pay the said sixty dollars and interest thereon, with the cost of the suit, and shall cause the title of so much of said land as may be sold to be conveyed to the purchaser, as in other cases of sale upon decrees of the chancellor: *Provided,* That so much of said land as may be ordered to be sold, shall be taken off of said land in such manner as not to interfere with the family farm.

[Approved February 28, 1835.]

CHAP. 858.—AN ACT for the benefit of W. D. Cape's Heirs.

Whereas it is represented to the General Assembly, that William D. Cape and James Brown made a parol contract for the exchange of two small parcels of land lying in Christian county, and that said Cape has since died leaving three infant children his heirs at law, and that the execution of said parol contract of exchange would redound to the permanent advantage of said infant heirs: therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for said Brown, or said infant heirs by their guardian, to file a bill on the chancery side of the Christian circuit court, alleging the above facts, and to said bill all proper parties shall be made, and if, upon due proof of the material facts connected with the subject, said court shall deem the execution of said contract advantageous to said infant heirs, said court shall have power to decree the execution thereof: *Provided, however,* That such decree shall not be rendered, unless the said Brown and the said infant heirs, by their guardian, shall, by bill or answer, consent thereto.

SEC. 2. *Be it further enacted,* That said court shall have power to cause said parties, by themselves or a

commissioner, to make deeds pursuant to any decree which said court may render confirmatory of said parol contract.

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[Approved February 28, 1835.]

CHAP. 859.—AN ACT to legalize the sale of certain Slaves by Lewis Conner, Guardian of Joel McGlasson, Infant Heir of William McGlasson, deceased.

Whereas, Joel McGlasson, infant heir of William McGlasson, was the owner of two negro slaves, Frederick and Isaac, and Lewis Conner, the guardian of said Joel McGlasson, was compelled to sell said slaves in consequence of their vicious habits of running away, and their untractable disposition, and which sale he effected at the price of eleven hundred and forty dollars.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That said sale of said negroes, shall be, and the same is hereby legalized, and the said Conner shall be exonerated from any responsibility to said Joel McGlasson, by reason of said sale: *Provided*, The said Conner shall enter into a new guardian's bond in the county court wherein he was appointed guardian, in an adequate penalty, and with sufficient security, within six months from the passage of this act, conditioned to account for and pay to said Joel McGlasson the proceeds of said sale and the interest thereon, agreeably to law; and unless the said Conner executed said bond, he shall not be exonerated as above provided.

[Approved February 28, 1835.]

CHAP. 860.—AN ACT incorporating the Frankfort, Georgetown and Paris Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That John A. Holton, Philip Swigert, Ezra Richmond, John L. Blaine, Lewis Sanders, Jr. and Edward P. Johnson, be, and they are hereby constituted a board of internal improvement, in and for the county of Franklin; that Andrew Harper, Urias M. Offutt, Lewis C. Suggett, Henry Johnson, James H. Humphreys, William Mosby and William Johnson, be, and they are hereby constituted a board of internal improvement, in and for the county

Board in
Franklin.

Scott.

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Bourbon.

To make a
turnpike road.

Incorporated.

of Scott; that John Conn, William Higgins, William Hickman, Thomas Stamps, Joel R. Lyle, H. T. Duncan and Samuel Williams, be, and they are hereby constituted a board of internal improvement, in and for the county of Bourbon, for the purpose of making a turnpike road from any point on the road from Frankfort to Versailles, which the board of internal improvement for Franklin county may designate, through the town of Georgetown to the town of Paris. In order that the said boards of internal improvement hereby created and established, may be the better enabled to effect the said object, the board of each county is hereby established a body politic, in deed and in law; and the name and style of the board of internal improvement for the county in which it may be located, and under said style and name, shall have perpetual succession, and all the privileges, immunities and franchises of a body politic and corporate, and as such, shall be capable of taking, purchasing and holding to them, their successors or assigns, and of selling, transferring and conveying in fee simple, all such lands, tenements and estate, real, personal and mixed, as shall be necessary to the prosecution of their work, and to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, before all courts of record, and other judicial tribunals whatsoever; and to make have and use a common seal, and the same to break, alter and renew at pleasure, and to do each and every act which a body corporate and politic may, as such, lawfully do.

To open books
and obtain sub-
scriptions.

SEC. 2. *Be it further enacted,* That each board of internal improvement, shall be, and it is hereby authorized to open books and receive subscriptions for stock in said road, to the amount of twelve thousand dollars in the county of Franklin, to the amount of thirty thousand dollars in the county of Scott, and to the amount of sixteen thousand dollars in the county of Bourbon, dividing the same into shares of one hundred dollars each; and the said several boards of internal improvements are hereby authorized to receive subscriptions for stock from all persons, and from all corporations, and especially from the county court of Franklin, Scott and Bourbon, on such terms and conditions as they may deem expedient.

County courts
may levy a tax
and take stock.

SEC. 3. *Be it further enacted,* That the county court of each of the aforesaid counties, through which the turnpike road herein proposed shall pass, is hereby

empowered and authorized to levy an advalorem tax upon the real estate in such counties, subject to taxation, not exceeding six and a fourth cents upon one hundred dollars of value, whenever such county courts shall be petitioned to do so by a majority of the qualified voters in said county, and the amount thus collected shall be appropriated to subscriptions for stock to the road within the county, paying the same; and the dividends or profits arising from said stock, shall, from time to time, whenever other dividends are declared and paid over to the several county courts, be by them applied to the reduction of the county levy.

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Their portions
of profits to be
applied in aid
of county levy.

SEC. 4. *Be it further enacted*, That each of the said boards of internal improvements hereby created, shall be, and are hereby authorized, from time to time, to make and ordain such by-laws as they may deem expedient and necessary; and such by-laws so established, shall be obligatory upon said board establishing the same, and all persons having necessary transaction with said corporation: *Provided, however*, That such by-laws do not conflict with the constitution and laws of this commonwealth.

Boards may
make by-laws.

SEC. 5. *Be it further enacted*, That so soon as the board of internal improvement, in and for the county of Franklin, shall have obtained subscriptions to the amount of one hundred and twenty shares, they shall notify the governor thereof, who shall, thereupon, for and on behalf of the commonwealth, subscribe one hundred and twenty shares to the capital stock of said company; and so soon as the board of internal improvement for Scott county, shall have obtained subscription in the capital stock of the said company, for three hundred shares, the said board shall notify the governor of the fact, whereupon it is made his duty thereupon to subscribe for, and on behalf of the state, three hundred shares to the capital stock of said company; and so soon as the board of internal improvement for the county of Bourbon shall procure subscriptions for one hundred and sixty shares in the stock of said company, the said board shall notify the governor of the fact, whereupon it is made his duty to subscribe for, and on behalf of the state, one hundred and sixty shares in the capital stock of said company; and the treasurer of the state, until otherwise directed by the general assembly, shall attend by himself or his proxy, at all public meetings of each of said companies, and

The state to
take half the
stock.

Treasurer to
vote state stock

1835

State stock not to be paid in until an equal amount is paid by stockholders

Work to be commenced in two years.

Scale of voting.

A majority of each board to do business.

To appoint officers.

Treasurer and collector to give bond.

To keep record of their transactions.

To employ artists, &c.

To fix the time when the stock is to be paid.

Boards to locate the road in their own counties.

vote on behalf of the state, as other stockholders; and any money provided for by law, for the payment of stock subscribed to turnpike roads, to pay the instalments on the shares so subscribed for, on the part of the state, as the said instalments may, from time to time, become due: *Provided, however,* That the treasurer shall pay no part of an instalment on said stock hereby authorized to be subscribed, until it shall appear that a sum equal to the amount required to be paid by him, shall have been actually paid by the other stockholders: *And provided also,* That the subscriptions on the part of the state shall be withdrawn, unless the work herein contemplated, shall commence within two years from and after the first day of April next.

SEC. 6. *Be it further enacted,* That at all elections of officers and agents of said boards of internal improvement, each share shall entitle the holder to one vote.

SEC. 7. *Be it further enacted,* That a majority of each of said boards shall constitute a quorum to transact business; and it shall be the duty of each to appoint a secretary, collector and treasurer, together with such other officers as they may deem necessary, and to prescribe their duties and responsibilities: *Provided,* That the treasurer and collector, before entering upon their respective duties, shall be required to execute bond with sufficient security, conditioned for the faithful performance of their several undertakings.

SEC. 8. *Be it further enacted,* That it shall be the duty of the said boards, to enter and keep in a book, a fair register of all their transactions; and they shall have power to employ all such artists and agents, as they may think proper and necessary; and to agree upon, and fix their salaries and wages; to ascertain and regulate the terms and conditions upon which the subscriptions for stock shall be made; also the time, manner and proportions in which stockholders and subscribers shall pay the same; to draw orders upon the treasurer for all sums necessary to discharge any contracts by them made, in the prosecution of their work— which said orders, after being signed by the chairman of the board, shall be entered in the book of minutes, by them herein before required to be kept.

SEC. 9. *Be it further enacted,* That the said boards (each in their own county) shall have power to determine, fix and locate the route over which the said

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road, or any part thereof, shall pass, subject, however, to be restricted to the points heretofore mentioned herein; and when they shall deem it expedient to examine any proposed route, over and through premises and enclosures, the private property of any person or persons, they shall give to such person or persons, if residents of this commonwealth, and if non-residents, *femes covert*, or infants, to their agents, if they have any known, husbands or guardians, ten days' previous notice in writing of their intention to examine and survey said proposed route, and request their assent thereto; and at the same time in said notice, informing said person or persons, that if said assent is withheld, they will, as is hereafter provided, call upon viewers to assess the damages arising from said survey; and in the event of said person or persons withholding their assent, the said board shall call upon two disinterested housekeepers, who being first duly sworn, shall decide upon the amount of damages, if any, which will be sustained by the said person or persons, from the proposed examination and survey of their premises.

Notice of surveys to be given

If assent of the owners of land is refused, the damages to be ascertained by viewers.

SEC. 10. *Be it further enacted*, That provided the said board shall, within ten days after the finding of the said reviewers, elect to pay, and actually pay, or tender to the said person or persons, in favor of whom the same has been assessed, the amount so determined and found to be due, they shall be, and are hereby authorized and empowered to enter into the lands and enclosures of the said person or persons, and survey and examine the ground, stone, gravel, quarries and other materials which they may deem suitable and necessary for the locating and constructing said road.

If board elects to pay the damages, they may enter on the land.

SEC. 11. *Be it further enacted*, That after any survey and examination has been made in conformity with the provisions of the ninth and tenth sections of this act, if the said board shall elect to construct the turnpike on said route, they shall give to the proprietor or proprietors, if residents, and if non-residents, *femes covert*, or infants, to their agents, husbands or guardians, three days' notice in writing of their decision thereon, and request their assent to the same; but provided the assent so requested, be refused or withheld, then, in that event, the said boards may apply to any justice of the peace within their respective counties for a warrant, directed to a sheriff or constable of the county, to summon twelve house-

Notice to be given if they locate the road.

If the assent of the owners of the land is refused, how damages are to be assessed.

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Jury to meet
under a writ.

To take into
consideration
the advantages
of the road.

Verdict to be
returned to the
justice who is-
sued it.

If the damages
are paid or ten-
dered, boards
may take pos-
session of land
condemned.

Assent of the
owner through
whose land the
road will run,
to be obtained.

Grade and
width of road.

keepers of the county, not stockholders, to hold an inquest on the premises, on a day to be fixed in the warrant; and on the receipt of such warrant, it shall be the duty of the sheriff or constable, to summon twelve jurors, to appear at the time and place stated in the warrant, giving to the proprietor or proprietors, if residents, if non-residents, infants, or *femes covert*, their agents, guardians or husbands, at least three days' notice of the meeting of the jury; and it shall be the duty of the said justice, and said officer, to attend on the day and at the place; and the justice shall administer to the jury an oath, faithfully to decide, and say what damages the proprietor will sustain from the construction of the road, taking into view the advantages and disadvantages that will arise from its construction.

. SEC. 12. *Be it further enacted*, That the said jury shall return their verdict in writing to the said justice of the peace, whose duty it shall be to keep a record of said proceedings.

SEC. 13. *Be it further enacted*, That if the jury shall find any damages against the said board, they may either elect to pay the same or abandon the said proposed route; and if they shall, within twenty days after the finding of said jury, elect to pay the said damages, and shall actually pay or tender the same, they shall thereupon be, and are hereby authorized and empowered to open, enter upon and take possession of the same, and use the same for the purpose of constructing the said turnpike road.

SEC. 14. *Be it further enacted*, That the said board shall, in no case, without the consent of the owner in writing first obtained, institute any proceeding under this act; the object of which, is to acquire the occupancy and control of the soil, until they shall have first examined, surveyed and distinctly ascertained and marked out the extent and boundary of such contemplated possession; but after having made such survey, they may proceed, according to the provisions of this act, to acquire and take possession thereof, and use the same in any manner they may think proper, towards the construction of said road, the artificial or McAdamized part whereof shall be not less than twelve feet, nor more than twenty feet in width, composed of gravel or pounded stone, according to the McAdam plan, laid upon a smooth and well graded foundation, and constructed upon the best and most improved plan; which said road, when completed, shall,

Bank

Bank

Bank

Bank

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at no point, be of greater elevation than three and a half degrees.

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SEC. 15. *Be it further enacted*, That whenever said board shall have completed any portion of said road, not less than five miles, they shall notify the governor thereof, who shall thereupon nominate three judicious persons to examine the same, and report to him whether said road is executed in a judicious and workman like manner, and in conformity with the requisitions of this act; and upon said persons reporting in favor of said board, the governor shall, by license under his hand and the seal of the commonwealth, authorize the said board to erect a toll gate across that part of said road, and collect the tolls or rates hereafter specified: *Provided, however*, That no gate shall be erected within one mile of any town, unless expressly permitted by law.

When toll gates may be put up.

But not within a mile of any town.

SEC. 16. *Be it further enacted*, That so soon as the said board, in conformity with the foregoing provisions, shall have erected a gate, they shall be, and are hereby authorized and empowered to appoint a toll gatherer, whose duties and liabilities they shall, from time to time, prescribe by their by-laws and ordinances; and the said gate keeper and toll gatherer, by the said board appointed, shall have right to collect and receive of, and from all and every person or persons using said road at that, and at such other toll gates as they may erect, under the provisions of this act, for each and every five miles they may use and travel on, the toll and rates hereinafter mentioned; and to stop any person riding, leading or driving any horse or mule, or driving any cattle, sheep or hogs, sulky, chair, chaise, phaeton, cart, wagon or any other carriage of pleasure or burden, from passing through any such gate or turnpike, until they shall have paid toll, agreeably to the following rates: for every twenty head of sheep, hogs or other small stock, six and a fourth cents; for every ten head of cattle, six and a fourth cents; for every horse, mule, ass or other four footed animal of a larger kind, except cattle, four cents; for every two wheel pleasure carriage, eight cents, exclusive of the beasts by which it is drawn, and the person or persons transported in it; for every four wheel pleasure carriage, sixteen cents, exclusive as above; for every cart, if empty, twelve and one half cents, and with a burden, eighteen and three fourth cents; for every four wheel wagon or other carriage of burden, whose wheel shall not exceed three inches in width, twenty-five cents; for every such

Toll gatherer to be appointed

Rates of toll.

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Rates to be
fixed up at the
gates.

Fine for evad-
ing gate, &c.

Accounts to
be kept.

To be reported
to legislature.

Mile posts and
indexes to be
erected.

Road to be
kept in repair.

wagon or carriage of burden, whose wheels shall exceed three inches in width, twenty cents; for every such wagon or carriage, whose wheel shall exceed six inches in width, ten cents, exclusive of the established toll herein of the beasts by which they are drawn; for every person, two cents. The said board shall cause printed lists of the rates of toll, which they may lawfully demand, to be affixed on or near the gates across said road.

SEC. 17. *Be it further enacted,* That if any person or persons riding in, or driving any carriage of freight or pleasure, or riding, leading or driving any horse or mule, or any description of stock, shall, with intent to defraud the said board, or evade the payment of tolls, pass through any private gate, bars or fence, or over any ground along or near said turnpike, or over any ground along or over said turnpike gate thereon erected; or if any person or persons shall practice any artifice or device, with the intention of evading or lessening the tolls fairly due from him, her or them, each and every person so offending, shall, for every such offence, forfeit and pay to the board of internal improvement, for the county where the offence is committed, the sum of ten dollars, to be recovered before any justice of the peace for said county.

SEC. 18. *Be it further enacted,* That the said boards shall keep a full and fair account of their expenditures; and shall, moreover, annually in the month of November, make out a complete and perfect account thereof, exhibiting the net profits of the stock in said road, a dividend of which shall be declared and made among the several stockholders, and the said stockholders notified of the time and place, when and where the same will be paid—all of which shall be reported by the said boards to the general assembly, at each regular session thereof.

SEC. 19. *Be it further enacted,* That the said boards shall erect posts, with suitable indexes, at the intersection of said turnpike by other roads, and cause mile stones or posts to be placed along the side of said road, and shall also keep the said road in good repair; and provided that the said boards shall permit the said road to get so much out of order, that the travelling or transportation over the same shall be, for the space of twenty-four hours, impeded or obstructed thereby, it shall be competent for any person to give information thereof, to any two justices of the peace for the county

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in which said road may lie, which said justices shall thereupon issue a precept, to be directed to any constable, commanding him to summon five disinterested housekeepers, to be named by said justices in said precept, to meet at a certain place on that part of the road complained of, of which meeting, the gatekeeper, within whose precinct the alleged defect exists, shall have one days' notice, and the said justices shall swear the said housekeepers to examine said road, and determine and find whether the same is or is not in good repair; which inquisition shall be returned to the said justices, under the seals of the said housekeepers: *And provided*, The said housekeepers shall find said road to be out of repair, according to the true meaning of this act, a copy of such inquisition or finding shall be given to the keeper of the gate, within whose precinct or division of the road the said defective part is situated, who shall thereupon be required to throw open the gate, and keep the same open and free of tolls, until he has obtained the certificate of said viewers or housekeepers, or a majority of them, that the said defect is repaired, and the road in good order, and that he has paid and satisfied the costs of said proceedings, which shall be as follows, viz: to each of said justices, fifty cents; and to the constable, one dollar; to each of the reviewers, one dollar per day.

If not, gates to be thrown open. No toll to be demanded until the road is repaired.

SEC. 20. *Be it further enacted*, That in the month of April, in the year 1836, the president and managers shall fix upon a day for the election of their successors in office, and advertise the same in some public paper, in the towns of Frankfort and Gergetown, requesting the stockholders to meet and choose suitable persons to fill said board; and it shall be lawful for each stockholder to give one vote for each share by him held, free from all arrears or calls unpaid, for the candidates he may desire to elect, and the treasurer, as the representative of the interest of the state, and the county courts of the several shares of stock, as through which the said road may pass, provided they have subscribed as the representative of the interest of said county, may, by written authority, constitute a proxy to vote for them, or either of them, in said elections, which shall, in like manner, take place in the month of April in every successive year.

Elections, when, and how to be held.

SEC. 21. *Be it further enacted*, That nothing in this act shall be so construed as to impose toll fees upon the owners of lands through which said road shall

Who exempt from toll.

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pass, their horses, cattle, carriages or servants passing on said road, from one part of their farm to another, or to impose toll fees upon venire men and grand jurors, passing to and from the court to which they are summoned; but all such persons shall be at liberty to use such roads, and to pass the gates thereof during their ownership, or attendance on court, for the purpose aforesaid; nor shall any tolls be imposed upon any citizen of the county, while going to, and returning from the general elections of said county; nor upon citizens going to, and returning from any muster in pursuance of their duty to attend muster, but all such persons with their horses or vehicle on which they ride, shall pass free of toll.

Boards may
fill vacancies.

State reserves
the right to
take the indi-
vidual stock at
the end of 20
years.

SEC. 22. *Be it further enacted*, That each of said boards shall have power to fill any vacancies that may occur in their body: *Provided, however*, That this charter is granted upon the express understanding, and with the following reservation: that the state shall, within twenty years from and after the passage of this act, have the right to pay over to the individual stockholders of said stock, their heirs or assigns, executors or administrators, the amount paid in on their respective shares, together with such interest as will be equal to six per centum per annum, after deducting the amount of clear profit or dividends which may have been declared on said stock; which said stock, when so purchased and paid for, shall become the stock and property of the commonwealth of Kentucky; and should the state not, within that period, pay for the whole individual stock, she shall have the right, at any time, to pay the several stockholders *pro rata*; and as far as purchases are thus made, the stock to that extent shall become vested in this commonwealth.

Capital may be
increased.

SEC. 23. *Be it further enacted*, That each board of internal improvement shall be, and is hereby authorized to open books for the subscription of stock, if they shall be of opinion that the stock subscribed is not sufficient to accomplish the object of this act, may immediately, and from time to time, whenever the same shall appear necessary, re-open the books of subscription for said stock so untaken, or enlarge the capital amount thereof as they may deem necessary, under the regulations and restrictions enjoined in this act.

Toll gatherer
liable to a fine

SEC. 24. *Be it further enacted*, That if any toll gatherer on said road shall demand or receive from

any person or persons using said road while out of repair, as declared in the eighteenth section of this act, or receive from any person or persons using said road, any greater rate of toll than is allowed or authorized by this act, such toll gatherer shall forfeit and pay for every such offence the sum of ten dollars, recoverable by any person suing for the same, before any justice of the peace, as other debts of like amount: *Provided*, That no suit to recover the penalties under this act, shall be maintained or prosecuted, unless the same shall have been commenced and prosecuted within six months after the offence was committed: *Provided, however*, That there is nothing in this act contained that shall be so construed as to authorize the governor to subscribe for stock in this company, on terms differing from those provided for by the general laws of the present session of the general assembly.

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for demanding improper toll.

Limitation.

Proviso as to state subscription.

[Approved February 28, 1835.]

CHAP. 861.—AN ACT to amend an act to establish the Town of Mills' Point in the County of Hickman, and for other purposes, approved 8th February, 1834.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the act, approved February the eighth, eighteen hundred and thirty-four, establishing the town of Mills' Point, in the county of Hickman, as gives said town the name of Mills' Point shall be, and the same is hereby repealed, and that said town shall hereafter be known and called by the name of Hickman.

The name of the town changed to that of Hickman.

[Approved February 28, 1835.]

CHAP. 862.—AN ACT to establish an Inspection of Tobacco in the Town of Moscow, Hickman County, and King's Mill, in Hardin County.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the warehouse, at present owned and occupied by Lewis Searce, in the town of Moscow, in the county of Hickman, shall be, and the same is hereby made and declared to be a public warehouse, for the reception, storage and inspection of tobacco, according to the laws, rules and regulations now in force within this commonwealth,

Tobacco inspection established at warehouse of Lewis Searce, in the town of Moscow.

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touching the inspection of tobacco, so far as the same may be applicable to said warehouse.

Inspectors to
be appointed
therefor, and
their fees.

SEC. 2. *Be it further enacted*, That inspectors of the said warehouse shall be appointed, who, in their qualifications and proceedings, shall, in all respects, be governed by the general laws now in force, prescribing the duties of tobacco inspectors; and shall, together with the owner or keeper of the said warehouse, be entitled to and receive the same fees, and enjoy the same rights and privileges, and be subject to the same penalties now provided by law for the inspectors of tobacco and the keepers of tobacco inspections in like cases.

Inspection es-
tablished at
King's mill in
Hardin county.

SEC. 3. *Be it further enacted*, That an inspection of tobacco be established at King's mill, in the county of Hardin.

[Approved February 28, 1835.]

CHAP. 863.—AN ACT to incorporate the Owingsville, Mountsterling and Winchester Turnpike Company.

Company cre-
ated.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company shall be, and the same is hereby formed, for the purpose of making a turnpike road upon the McAdam plan, from Owingsville, by the way of Mountsterling, to Winchester, under the name and style of the president, directors and company of the Owingsville, Mountsterling and Winchester Turnpike Road.

Books to be
opened in Lex-
ington.

Winchester.

Chilesburg.

Mountsterling.

Owingsville.

SEC. 3. *Be it further enacted*, That books for the subscription in the stock of said company shall be opened on the first Monday in May, 1835, at Lexington, under the direction of Robert Wickliffe, sen.; at Winchester, under the direction of Samuel M. Taylor, Richard Hawes, James B. Duncan, Joseph Decret, John Williams and James Simpson; at Chilesburg, under the direction of Richard Chiles, Thomas P. Dudley, Clifton R. Ferguson, Hubbard Taylor, jr. Matthew Kinney and Edward Darnaby; at Mountsterling, under the direction of George Howard, B. F. Thomas, Samuel D. Everett, James Magowen, James Hayes, Nathan Devine, David Herran, John Bean, James P. Magowen, Charles Glover, Alexis Tipton, B. H. Payne and Levi T. Milsbaugh; at Owingsville, under the direction of Andrew Trumbo, jr. John A. Turner, John W. Burnes, S. C. Bascom, Vivion Fer-

guson, Stephen Smoot, William M. Raglan, Jacob Steel, G. W. Thomas, James M. Johnson, W. O. Wylie, Hugh Porter and Jesse Ragan; at Sharpsburg, under the direction of Joshua Barnes, Isaac Perkins, Andrew Boyd and A. M. Jones; at the mouth of Slate, by Jonn N. Lee, Milton Rogers, John Trumbo, sen. Andrew Trumbo, sen. William Atchison, John Keithley and Isaac Conjers; and at Rice's cross roads, under the direction of John M. Rice, William Barnes, Robert Richards, William Moore, Hiram G. Barnes, Samuel C. Gill, Joseph G. Williams, John Sailor, Thomas Hicks and Charles Clayton. The commissioners named at each of the foregoing places, or any three of them, shall procure a book or more, if necessary, and in each of them enter as follows: "We, whose names are hereunto subscribed, do promise to pay to the president, directors and company of the Owingsville, Mountsterling and Winchester turnpike company, the sum of one hundred dollars, for every share of stock in said company, set opposite our names, in such manner and proportions, and at such times as shall be determined on by the president and directors of said company, and agreeably to an act of assembly of the commonwealth of Kentucky, incorporating said company. Witness our hands, this day of in the year ." The said commissioners shall give, in one or more of the newspapers, printed at Lexington and Maysville, one month's notice of the time and place at which books will be opened, to receive subscriptions for stock in said company; at which times and places, some one or more of the commissioners above named, at each place, shall attend, and permit all persons of lawful age, bodies corporate or politic, who shall offer to subscribe in said books, in their own names, or that of any other person, who shall duly authorize the same, for any number of shares in the said stock. The said books shall be kept open for the purpose aforesaid, by adjournment from place to place, and from time to time, until the whole number of shares shall be subscribed; of which adjournments the said commissioners shall give such notices as the occasion shall require: *Provided*, That the president and directors of said company shall not have power to call in more of said stock than ten dollars on each share, in any sixty days.

SEC. 3. *Be it further enacted*, That the capital stock of said company shall be one hundred and twenty

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Sharpsburg.

Mouth of Slate

Rice's cross roads.

Form of subscriptions.

Notice of the opening of the books to be advertised.

Books to be kept open till all the stock is taken.

Capital stock.

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When company may be organized.

thousand dollars, divided into shares of one hundred dollars each.

SEC. 4. *Be it further enacted*, That when two hundred shares of said stock shall have been taken, the commissioners shall give thirty days' notice in one or more of the newspapers printed at Lexington and Maysville, that the number of shares required by the act of incorporation to organize the company, have been subscribed; and that an election will be held at Mountsterling, to choose, by a majority of the votes of the subscribers by ballot, to be delivered by person, or proxy duly authorized, a president and ten directors.

When organized declared to be a body corporate.

SEC. 5. *Be it further enacted*, That when the company shall be thus organized, they shall be, and are hereby declared, a body politic and corporate, in deed and in law, by the name, style and title, of the president, directors and company of the Owingsville, Mountsterling and Winchester turnpike road; and by the said name, the said subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding the said capital stock, and the increase and profits thereof; and of enlarging the same, from time to time, by new subscriptions, in such manner and form, as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act; and of purchasing, taking and holding to them and their successors and assigns, and also of selling, transferring and conveying in fee simple, all such lands, tenements and hereditaments, and estate, real and personal, as shall be necessary to them in the prosecution of their works; and of suing and being sued, impleading and being impleaded, answering and being answered, defending and being defended, in courts of record, or any other place whatsoever; and also to make, have and use a common seal, and the same to break, alter and renew at pleasure; to make such by-laws and regulations, not inconsistent with the laws and constitution of this commonwealth, and of the United States, as shall be necessary for the well ordering of the affairs of said company; and to do all and every other matter and thing, which a corporation or body politic may lawfully do.

Grade & width of the road.

SEC. 6. *Be it further enacted*, That the whole width of said road shall be fifty feet; the graded part whereof, shall be, at all places where the ground will admit of it, at least forty feet in width, and the artificial or McAdamized part thereof, shall be covered

with pounded stone, on one side nine inches thick, and not less than twelve, nor more than eighteen feet in width.

SEC. 7. *Be it further enacted*, That the said president and directors shall, before they enter upon the duties of their appointments, take an oath before some justice of the peace, that they will faithfully discharge the duties of president or directors, as the case may be, without favor or affection, according to the best of their judgments; that upon the qualification of the president and directors, they shall appoint a treasurer and such other officers as they may deem necessary, who shall hold their offices for one year, and until others shall be appointed and qualified. The treasurer of said company shall, before he enters upon the duties of his office, give bond, with two or more good securities, in the penalty of fifty thousand dollars, payable to the president and directors of said company, conditioned, that he will faithfully discharge the duties of treasurer of said company, and that he will well and truly perform the duties required of him by the by-laws of said company.

Directors to
take an oath.

To appoint a
treasurer, &c.

SEC. 8. *Be it further enacted*, That the number of votes which each stockholder shall be entitled according to the number of shares he shall hold, shall be in proportion as follows, to-wit: for every share under five, one vote; for every two shares over five and not exceeding ten, one vote; for every four shares over ten, one vote; and after the first election, no share or shares shall confer the right of voting which shall not have been holden three months previous to the election. The stockholders may vote in person or by proxy, under such regulations as shall be established by the by-laws of said company, and the annual election for president and directors shall be held on the first Monday in April, at such places as the president and directors may direct; at which time the president shall lay before the stockholders an expose of the situation of said company, and also the record of their proceedings for the preceding year.

Scale for vot-
ing.

SEC. 9. *Be it further enacted*, That the president and directors, chosen as aforesaid, shall deliver a certificate, signed by the president and countersigned by the treasurer, sealed with the seal of the corporation, to each shareholder for each share by him or her subscribed and held, which certificate shall be transferable on the books of said corporation in person or by at-

Certificates of
stock, to be
granted.

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torney, but no share shall be transferred until all the calls and arrearages are paid thereon; the original certificate of the share or shares transferred shall be surrendered, and a new certificate shall issue to the purchaser, who shall be a member of said corporation, and entitled to all the benefits and privileges that the original owner was entitled to, except so far as restricted by the preceding provisions of this act.

Meetings may be called, and proceedings to be recorded.

SEC. 10. *Be it further enacted*, That the president may call meetings of the directors at such times and places as he may think proper, a majority of all the directors shall be necessary for the transaction of business; they shall keep a record of all their proceedings to be entered in a book provided for that purpose, and they shall be signed by the president, and in case of the death or absence of the president, the directors shall elect a president *pro tempore*, and they may adjourn from time to time as they may think proper.

Directors to appoint engineers, surveyors, &c.

What calls on stock to be made.

SEC. 11. *Be it further enacted*, That the president and directors shall have power and authority to agree with, and appoint all such surveyors, engineers, superintendents, artists and officers, as they may judge necessary to carry on the contemplated work, and to fix their salaries and wages, to prescribe the time, manner and proportions in which the stockholders shall make payments on their respective shares, to carry on said work; to draw orders on the treasurer for all moneys necessary to pay the salaries or wages of persons employed, and for the labor and materials furnished, and to do all such other matters and things as by this charter and the by-laws of the corporation they are or shall be required to do.

To be advertised.

SEC. 12. *Be it further enacted*, That the president shall give notice in a newspaper printed in Lexington and Maysville, for at least thirty days, of the amount of the call on each share of stock, and of the time of payment, and if any stockholder shall neglect or refuse to pay his proportion of the amount of stock so subscribed for, and held by him or her on the books of said company for the term of thirty days after the time appointed for the payment thereof, every such stockholder shall, in addition to the instalments so called for, pay at the rate of one per cent per month for every delay of such payment, and if he or she shall fail to pay the amount of such call, and the penalty aforesaid, for the term of six months after the time of such payment is required, he shall forfeit such share

Interest to be charged in certain cases.

Stock may be forfeited.

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or shares to the corporation, and the amount which shall have been paid thereon, and the president, by order of the directors shall sell the said shares at public sale, having advertised the same for ten days: *Provided*, The same will bring the amount of the balance due on said share or shares: *And provided*, That no stockholder shall vote at any election, or be entitled to any of the rights of a member of said corporation, unless the whole amount due and payable as aforesaid on the share or shares by him or her held, shall have been paid agreeable to the requisitions of said president and directors.

Stockholder
not permitted
to vote unless
his calls are
paid.

SEC. 13. *Be it further enacted*, That the president and directors, with such surveyors, engineers, artists and chain carriers, as they may think necessary, are hereby authorized to enter in and upon the land and enclosures, and public roads and highways, in, through and over which the said intended road may be thought proper to pass, and to examine and survey the ground most proper for the purpose, and to examine the quarries, beds of stone and gravel, and other materials necessary for the completion of said road, and they shall locate the said road on the line on which it can be constructed with the least expense to the company, and which shall be the most direct that the ground on which it may pass will admit, from Owingsville through Mountsterling, a majority of the president and directors concurring in the said location, and they shall cause a plat of the said road as located to be made out and lodged with the treasurer of said company.

Officers may
enter on lands
of others to
make surveys.

SEC. 14. *Be it further enacted*, That the said president and directors shall have the right to survey, lay out and make their road through any improved or unimproved lands on the nearest and most eligible route from the town of Owingsville through Mountsterling to Winchester, and take from the land occupied by said road, when surveyed and located as aforesaid, or from any lands in the vicinity thereof, any stone, gravel, timber or other materials necessary to construct a good, secure and substantial road, as contemplated by this act: *Provided*, The said stone, gravel, or other materials have not been previously quarried, dug or otherwise appropriated by the owner thereof, and if any difference should arise between the owner or owners of any ground or their agents, if any there be, from which said materials are sought to be taken

The route of
the road.

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Jury to be im-
pannelled to
assess damages

To be paid up-
on the compa-
ny entering on
the land.

When road to
be commenced.

as aforesaid, and the agents of said company, respecting the value thereof or damages therefor, the same shall be determined by the inquest of a jury of twelve men, possessing the same qualifications as jurymen in other cases required by law, to be impannelled by the sheriff under the authority of a writ of *ad quod damnum* to be issued on the application of the owner of the land or material sought to be appropriated by the county court of the county in which the same may be, which jury shall be summoned and impannelled on the day fixed by the said writ, and shall be, by said sheriff, duly sworn, and in ascertaining the damages which the company shall pay for any land or material sought to be appropriated, they shall take into consideration as well the injury which the said proprietor shall sustain, as the benefits he will derive in the event of the construction of said road, and shall make out their assessment or award of what damages, if any, the said owner or owners may be entitled to, and shall deliver a copy thereof in writing to the proprietor of said land, or to his, her or their agents, if any, and another copy thereof to the agents of said company; whereupon the said agent shall pay or tender to the owner or agent of said land, the amount of said assessed damages, before he shall enter upon, or take any such ground or materials, other than to survey the road, and all the expenses and damages, if any are awarded, shall be paid by said company, but if no damages be awarded, the said expenses shall be paid by the person who may have claimed damages as aforesaid; and if the said proprietor of any land or material shall neglect or refuse to apply for said writ at the next county court for his county after said land or material may be demanded for the use of said company, he, she or they shall be considered as having yielded his, her or their claim to compensation therefor, and the work progress in every respect, as though a jury had passed on the subject, and failed to assess damages.

SEC. 15. *Be it further enacted*, That so soon as the location of said road shall have been made, the said president and directors shall proceed to commence the construction thereof at any point, or at as many points as they shall elect, and they shall cause the said road to be constructed as herein before provided for, and shall maintain and keep the same in good repair, and in no case shall the ascent in the road be of a greater elevation than five degrees.

SEC. 16. *Be it further enacted,* That so soon as the president, directors and company shall have completed, on any part of said road, five continuous miles thereof, they shall call on three justices of the peace in the county in which said five miles, or the major part thereof, shall be located, who are in nowise interested in the stock of said company, to examine the same, and if they shall certify that said road is made in conformity to the provisions of this act, which certificate shall be recorded in the office of the clerk of said county, the president and directors may cause a gate to be erected across said road, and may collect the tolls and duties hereinafter granted to said company, from all persons travelling with horses, cattle or any other animals, and with carriages, sleds and other vehicles of conveyance: *Provided,* That no gate shall be erected within less than a mile of any incorporated town, nor in less than five miles of each other.

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When gates
may be erected

SEC. 17. *Be it further enacted,* That when the said road, or any continuous five miles thereof, shall be completed, the said president, directors and company may contract for, purchase and hold to them and their successors forever, any quantity of land not exceeding one acre, at the site of each toll gate erected on said road agreeably to the provisions of this act, and if they cannot agree for such quantity of land at their respective gates with the owner or owners thereof, they may sue out from the court of the county in which the land proposed to be appropriated shall lie, a writ of *ad quod damnum*, directed to the sheriff or other proper officer, commanding him to summon a jury of inquest to meet upon the said land on the day fixed by the said writ, to assess the reasonable value of the land, and the damages which will be occasioned to the owner or owners thereof by its condemnation to the use of said corporation, which writ the sheriff or other officer shall proceed immediately to execute agreeably to its command, giving to the owners of the land, their agents or guardians or next of kin, if they be infants, at least three days' notice in writing of the time and place of convening of said jury, and return the said inquest so taken by him to the court of his county; and upon the payment or tender by the said president, directors and company, of the value of said land and damages, if any, so assessed, the said land shall become vested in the said corporation: *Provided, however,* That in the selection and appropriation of land under

May purchase
land at gates.

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this section, the said president and directors shall not include the dwelling houses, out houses or orchards or gardens of any person without their consent, and shall not locate the said land so as to prevent the owner or owners of the adjoining land from access to the said road on either side of any gate to which they would have had access, if such location had not been made.

Rates of toll.

SEC. 18. *Be it further enacted*, That so soon as the gates shall be erected as aforesaid, it shall and may be lawful for the president and directors to appoint such, and so many toll gatherers as they may think proper, to collect and receive of and from every person or persons using said road the following tolls and rates hereinafter mentioned, and to stop any person riding, leading or driving any horse, mule or ass, or driving any cattle, sheep, hogs or oxen, sulky, chair, chaise, phaeton, cart, wagon, or any other carriage of pleasure or burthen; from passing through said gate or turnpike till they shall have paid toll agreeably to the following rates, viz: for every twenty head of sheep, hogs or other small stock, six and one fourth cents; for every ten head of cattle, six and one fourth cents; for every horse, mule, ass and other animal of a larger kind, except cattle, four cents each; for every two wheel carriage, eight cents, exclusive of the beasts by which it is drawn, and the person or persons transported by it; for every four wheel pleasure carriage, sixteen cents, exclusive as above; for every cart, wagon or other carriage of burthen, whose wheels shall not exceed four inches in width, twenty-five cents; for every such carriage of burthen, whose wheels shall not exceed six inches in width, twenty cents; for every such carriage of burthen, whose wheels shall exceed six inches in width, fifteen cents, exclusive of the beasts by which it is drawn.

Fine for evading the gate.

SEC. 19. *Be it further enacted*, That if any person or persons, liable to pay the tolls aforesaid at either of the toll gates erected in conformity with this act, shall, with an intent to defraud the company aforesaid, pass through any private gate or bars, or along or over any ground near to or adjoining any turnpike or gate, or with intent aforesaid, or shall take off, or cause to be taken off any horse or other beast or cattle of draught, burthen or pleasure, or shall practice any other fraudulent device with intent to evade the payment of any such toll or duty, such person so offending shall, for every such offence respectively, forfeit and pay to the

president and directors the sum of fifty dollars, recoverable before any justice of the peace in like manner as other debts of like amount, in the name of the president, directors and company aforesaid.

SEC. 20. *Be it further enacted*, That at any time the said road shall be out of repair for the term of ten days, it shall and may be lawful for any person to call on two adjacent justices of the peace, for any county through which the road passes, to go and inspect said road, and if upon inspecting the same, and receiving proof that it had been out of repair for the term of ten successive days previous thereto, the said justices shall, by their order delivered to the treasurer of said company, and in case of his absence, to the president or any of the toll gatherers, direct that no toll or duty shall be required on said road until the same shall be repaired and put in good order, and if any toll shall be taken or demanded after delivering of such order, the said company shall forfeit and pay the sum of five dollars for each and every offence, to be recovered as other debts of like amount, and upon service of process upon the acting president of said company or any toll gatherer: *Provided, however*, That said recovery shall only be had against the company for the unlawful demand of the toll gatherers, nearest that part of the road so declared to be out of order or repair: *And provided further*, That there shall have been sufficient time to inform the gate keeper of said order having been delivered to the president or treasurer; where that is the fact, and upon said road being repaired, the president and directors shall call two justices of the peace in like manner to examine the same, and if they shall be of opinion that the said road is in repair, they shall certify the same, and direct that the toll shall be demanded and taken at the gate or gates agreeably to the provisions of this act.

SEC. 21. *Be it further enacted*, That the president and directors shall keep a fair and just account of all moneys that shall be received by them from the subscribers of stock of said company, also of all moneys expended by them in the prosecution of said work, and all costs, charges and expenses of said road or any section thereof, which shall be paid and discharged, and the aggregate amount when ascertained shall be entered on the books of the treasurer. The president and directors shall, at the end of every six months

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Gates to be thrown open if road is out of repair.

Company to keep an acc't. current.

Dividends to be declared.

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after the said road shall be completed or any section of five miles thereof, make a dividend to the stockholders, whose stock has been paid in and expended on said road or any five miles thereof: *Provided*, That no dividend shall be paid over to such of the stockholders as may have failed to pay over, in pursuance to the order of said president and directors, the amount of stock which they may have subscribed on the books of said company; the same shall be retained by the treasurer of said company, subject to the order of the president and directors thereof, to be by them employed towards the completion of said road.

Printed list of
tolls to be put
up.

Fine on toll
gatherer for
charging im-
properly.

Limitation.

Officers to give
bonds.

Penalty for in-
juring road.

SEC. 22. *Be it further enacted*, That the president and directors shall cause printed lists of the rates of toll, which they may lawfully demand, to be fixed on or near the gates across said road in the most public manner, and if any toll gatherer on said road shall demand or receive from any person or persons using said road any greater rate of toll, than is allowed or authorized by this act, such toll gatherer shall forfeit and pay for every such offence the sum of five dollars, recoverable by any one suing for the same before any justice of the peace, as other debts of like amount: *Provided*, That no suit to recover the penalties under this act, shall be maintained or prosecuted, unless the same shall have been commenced and prosecuted, within six months after the offence was committed.

SEC. 23. *Be it further enacted*, That the president shall take bonds, with good security, from the gate keepers and other persons employed by them, for the faithful discharge of the duties to them assigned respectively, which bonds they may cause to be renewed whenever they may deem it necessary, and shall be made payable to the president, directors and company aforesaid.

SEC. 24. *Be it further enacted*, That if any person shall purposely and maliciously break, deface or otherwise injure any of the mile stones, parapet walls, culverts or bridges, or any of the masonry whatever, of and belonging to said Owingsville, Mountsterling and Winchester turnpike road, every person so offending shall, on conviction, be fined in a sum not more than five hundred dollars, or be imprisoned in the dungeon of the jail of the county not exceeding twenty days, or both at the discretion of the court.

SEC. 25. *Be it further enacted,* That if any person shall purposely fill, choak or otherwise obstruct any of the said drains, vallies, gutters or culverts of said road, or shall connect any private or cart way with the aforesaid road, without connecting the same over a stone culvert on a paved valley or other good and sufficient fixture, so as to secure a fair passage for the water along such side way, where such private road or cart way connects with the said road, or if any person shall purposely or wilfully travel upon such parts of said road as may be unfinished, against the warning and consent of the superintendents of said road, or his agent, or shall remove any of the beacons placed upon said road, so in an unfinished state as aforesaid, for the diverting the traveller on or from said road, every person so offending shall, upon conviction thereof, be, for every such offence, fined in a sum of not less than one, nor more than ten dollars.

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Fine for obstructing drains

For travelling on the road before finished.

SEC. 26. *Be it further enacted,* That if any person shall stand his wagon and team, or either of them, over night upon the pavement of said road, or at any other time, stand the said wagon and team, or either of them, upon the pavement of said road, for the purpose of feeding, or if he shall, in any other manner, purposely and wilfully obstruct the traveller upon said road, every person so offending shall, upon conviction thereof, for every such offence, be fined in a sum not less than one, nor more than five dollars.

Fine for standing wagon on the road all night.

SEC. 27. *Be it further enacted,* That if any person shall fast lock or rough lock either of the wheels of his wagon, coach, chaise, gig, sulky or carriage, or other two or four wheeled carriage or vehicle, travelling on the pavement of said road, excepting, however, such parts of the said pavement as may lie at the time covered with ice, so as to render such locking necessary, every person so offending shall, upon conviction thereof, be fined in a sum not less than one, nor more than five dollars.

For locking wagons, &c.

SEC. 28. *Be it further enacted,* That all prosecutions under the twenty-fourth section of this charter, shall be by indictment before the circuit court in the county where the offence shall have been committed, and all fines under the same shall be collected and paid over by the prosecuting attorney of such county, the one half to the informer or informers, and the other into the county treasury, to be disposed of as the court of said county shall order or direct.

The prosecution under the 24th section to be by indictment.

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Under the 25th
26th and 27th,
before a justice.

SEC. 29. *Be it further enacted,* That all prosecutions under the twenty-fifth, twenty-sixth and twenty-seventh sections of this charter, shall be by complaint, on oath, before any justice of the peace of the county wherein the offence complained of was committed, in like manner as is provided by law for prosecutions in other cases of like penalties, and all fines thus imposed shall be collected and paid over, the one half to the county treasury.

Other roads to
be united by
culverts, &c.

SEC. 30. *Be it further enacted,* That the owners and superintendents of such public roads, as shall or may be made to unite or intersect the aforesaid road, shall be authorized, and they are hereby required to unite the same by a strong pavement or substantial and sufficient stone culvert.

The state stock
to be paid out
of improve-
ment fund.

SEC. 31. *Be it further enacted,* That no part of this act shall be so construed as to require the whole or any part of the appropriation therein provided for to be paid out of the ordinary revenue of the state, but the payment of the same is charged on the funds which have been, or hereafter may be set apart for the purposes of internal improvements.

[Approved, February 28, 1835.]

CHAP. 864—AN ACT to incorporate a Turnpike Road Company, from Versailles to Nicholasville.

Company in-
corporated.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a company shall be, and the same is hereby formed for the purpose of making a turnpike road from Versailles to Nicholasville, under the name and style of the Versailles and Nicholasville Turnpike Road Company.

Capital stock.

SEC. 2. *Be it further enacted,* That the capital stock of said company shall be sixty-five thousand dollars, to be divided into shares of one hundred dollars each; which capital stock may be increased by additional subscriptions, in manner and form as the president and directors may think proper, if such enlargement shall be found necessary to fulfil the intent of this act.

Books, where
and when to be
opened.

SEC. 3. *Be it further enacted,* That books shall be opened for the subscription of stock in said company, on the first Monday in April next, in the town of Versailles, under the direction of Robert Kinkead, David C. Humphreys, John Cave, John Garrett and John

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Mitchum; in the town of Nicholasville, under the direction of James Ferguson, Hawkins Craig, George S. Shanklin, George W. Brown, George I. Brown and John W. Barclay, or some one or more of them at each place, who are hereby appointed commissioners. The said commissioners shall procure a book or books, to be opened at each place, and the subscribers to the stock of said company, shall enter into the following obligation in said book or books, viz: "We, whose names are hereunto subscribed, do hereby bind ourselves to pay to the president, directors and company, of the Versailles and Nicholasville Turnpike Road Company, the sum of one hundred dollars for each and every share of stock in said company, set opposite our names, in such manner and proportions, and at such times as shall be required by the president and directors of said company." The said commissioners shall give notice in one or more newspapers printed in the city of Lexington, and by advertisements set up at one or more of the most public places in the towns of Versailles and Nicholasville, of the times and places of opening books for the subscription of stock in said company; the commissioners attending, shall permit all persons of lawful age, companies and bodies corporate and politic, the county courts of Woodford and Jessamine, or trustees of any town to subscribe in said books in their own names, or in the name of any other person who shall duly authorize the same for any number of shares in said stock.

Form of subscriptions.

Notice to be given of time of opening the books.

Towns and county courts may take stock.

SEC. 4. *Be it further enacted*, That when two hundred shares of said stock have been subscribed, the commissioners aforesaid, or any one or more of them, shall call a meeting of the subscribers, to be held at the court house in Versailles, on some day to be fixed by them, of which meeting, and the time of holding the same, they shall give at least thirty days' notice by advertising the same, in some one or more newspapers published in Lexington, and by advertisements set up in some public place in Versailles and Nicholasville, for the purpose of electing a president and six directors, to serve until others are elected and qualified, as hereinafter directed: *Provided*, That all future elections shall be on the first Wednesday in April in every successive year, at such place as the president and directors for the time being, shall designate.

When the election of board to take place.

SEC. 5. *Be it further enacted*, That the company formed and organized as aforesaid, for the purpose of

Style of the company, and their powers.

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making a turnpike road from the town of Versailles to Nicholasville, shall be, and they are hereby created a body politic and corporate, in deed and in law, forever, by the name and style of the "President, Directors and Company of the Versailles and Nicholasville Turnpike Road Company;" and under the said style and name, shall have perpetual succession, and all the privileges, immunities and franchises of a body corporate and politic, and as such, shall be capable of contracting and being contracted with, of purchasing, taking and holding to them and their successors and assigns, and of selling and conveying in fee simple, all such lands and tenements, and estate, real, personal and mixed, as shall be necessary to them in the prosecution of their work; and to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, before any and all judicial tribunals whatever; and also to make, have and use a common seal, and the same to break, alter or renew, and to do each and every act, which a body corporate and politic, as such, may lawfully do.

To be governed by the act amending the Lexington and Frankfort turnpike.

SEC. 6. *Be it further enacted*, That the president and directors aforesaid, shall be governed in the location and construction of the aforesaid road, and in all other respects in regard to said road, by the provisions of an act passed at the present session of the general assembly, entitled "an act to amend and reduce into one the several acts incorporating a company to turnpike a road from Frankfort to Lexington by way of Versailles," which do not conflict with any part of this act; and they are hereby vested with all the power, authority, rights and privileges, tolls and emoluments, that are granted to the president and managers of the Frankfort, Lexington and Versailles Turnpike Road Company, by the above recited act, and under like limitations and restrictions.

[Approved February 28, 1835.]

CHAP. 865.—AN ACT to incorporate the Bardstown and Green River Turnpike Road Company.

Company incorporated to make a road from Bardstown to Green river.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company shall be, and is hereby incorporated as a body politic and corporate, by the style and name of the Bardstown and Green River Turnpike Road Company, for the purpose of constructing a turnpike road from Bardstown

to some point on Green river, in the direction to Tennessee, which company shall have perpetual existence, and by that style shall sue and be sued in any court in this commonwealth.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be one hundred thousand dollars, to be divided in shares of fifty dollars each.

SEC. 3. *Be it further enacted*, That Thomas Hite, Daniel S. Howell, Thomas P. Lynthacum, Jesse McDonald, Charles McManus and Charles Nourse, are appointed commissioners, whose duty it shall be to open books for the subscription of stock, at such times and places as they shall deem most expedient; and the said commissioners shall have power and authority to appoint one or more agents to open books and receive the subscription of stock. In case the said persons should fail or refuse to act, from any cause whatever, the county court of Nelson shall, from time to time, fill up any vacancy, or appoint some person in the place of such one or more of the commissioners, who shall or may fail to act; the said commissioners shall give notice of the time and places, when and where books are opened for the subscription of stock in said company.

SEC. 4. *Be it further enacted*, That so soon as the number of one thousand shares shall have been subscribed in said capital stock, by individuals and companies, the commissioners shall give ten days' notice, in some newspaper printed in Bardstown or Louisville of the fact, and appoint a time and place for a meeting of the stockholders in Bardstown, who shall, by vote, elect a president and five managers, to conduct the business of said corporation, by the style aforesaid. The president and managers, and all other officers of said company, shall severally take an oath before some justice of the peace, faithfully to discharge the duties of their respective offices. They shall, as soon as may be, proceed to locate said road from Bardstown to a point on Green river, in a direction to the state of Tennessee, and may be authorized to receive the written consent of all or any landholders, through which, or near to which, the said road may pass, and the grant of the right of way, timber, stone and soil, to make said road, and to keep the same in repair, which consent, when so given, shall be valid to every intent and purpose.

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Capital stock.

Com'rs to open books.

County court of Nelson to fill vacancies.

Notice to be given of the opening of the books.

When 1000 shares are subscribed, officers to be elected.

Officers to take an oath.

Road to be located.

Assent of landholders to be obtained.

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Grade & width
of the road.

SEC. 5. *Be it further enacted*, That said road shall be opened at least sixty feet wide, and the same shall be graded to an elevation not exceeding three and a half degrees, at least twenty feet wide at the bottom of said road, when the ground will permit the said width and said grade.

When gates
may be erected
and tolls.

SEC. 6. *Be it further enacted*, That when the said road shall be so opened and graded, for any distance thereof equal to five miles, it shall be lawful for said company to erect a gate or gates upon the same, and to collect for the travel of said road, one half of the rates of toll, authorized to be collected by the charter of the Louisville and Bardstown Turnpike Road Company; and at the same rates for any greater distance of said road, so soon as the same shall be opened and graded as aforesaid; and whenever the said road shall be paved with stone, or McAdamized with stone or hard gravel, at least twelve feet wide, then the said company shall have the right to charge the same toll that said company is entitled to, for so much of said road as may be so completed.

General provisions of Louisville & Bardstown charter to apply to this company.

SEC. 7. *Be it further enacted*, That the general provisions of said charter of the Louisville and Bardstown Turnpike Road Company, and the several acts relating thereto and amendatory thereof, shall apply to the company hereby incorporated, and are made parts of this charter, except so much thereof as may be inconsistent with the provisions of this act.

Location of road may be changed.

SEC. 8. *Be it further enacted*, That said company shall have the right and power to alter or change the location, which they may make of said road, or any part thereof; and they shall be allowed ten years, after the whole of said stock shall be taken and subscribed to complete said road, and if the same shall not have been completed within that time, then the charter shall be void, and forfeited for so much of the said road only as may not be completed, and no more.

Ten years allowed to complete the road.

[Approved February 28, 1835.]

CHAP. 866.—AN ACT for the benefit of the Sheriffs of Laurel and Scott Counties.

The auditor authorized to remit the interest and dama-

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the auditor of public accounts be, and he is hereby authorized and directed to allow to the sheriffs of Laurel and Scott counties, a

credit for all interest or damages which may have been awarded against the said sheriffs and their securities in favor of the commonwealth, by a judgment of the general court, rendered at its last term, for failing to pay into the public treasury, the revenue of said counties, for the year 1834, within the time required by law; and to settle with, and receive from the said sheriffs the amount of the said judgment of the general court, after deducting the interest or damages aforesaid, in full satisfaction and discharge of said judgment.

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ges awarded
against said
sheriffs on a
judgment ag^tst
them.

SEC. 2. *Be it further enacted*, That it shall and may be lawful for the auditor, and he is hereby directed and authorized to settle with, and allow to the said sheriffs, a credit against said judgments, for the amount of their delinquent lists for the year 1834, in the same manner, and to the same extent, as if the said delinquent lists had been returned within the time required by law.

And receive
and allow their
delinquent lists.

[Approved February 28, 1835.]

CHAP. 867.—AN ACT to repeal in part and amend in part, an act concerning the Danville, Lancaster and Nicholasville Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That so much of the thirteenth section of an act incorporating the Danville, Lancaster and Nicholasville Turnpike Road Company, approved February 22, 1834, as requires the width of the artificial part of said road, to be thirty-five feet, and the portion of it covered with metal or McAdamized stone, not to exceed sixteen feet, be, and the same is hereby repealed.

Part of 13th
section of re-
cited act re-
pealed.

SEC. 2. *Be it further enacted*, That the width of the artificial part of said road shall be thirty feet, and the portion of it covered with metal or McAdamized stone, shall not exceed eighteen feet.

Width of the
road.

SEC. 3. *Be it further enacted*, That whenever the county court of any county, through which said road passes, shall hereafter subscribe for stock in said company, it shall and may be lawful for such county court to raise the amount so subscribed, by an *ad valorem* tax upon the real estate of the county, and the proceeds arising from said stock so subscribed, shall be paid over to the county court, and applied to lessening the county levy: *Provided*, That the tax to be

The several
county courts
subscribing for
stock in said
road, may raise
the amount by
an *ad valorem*
tax.

Proviso.

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Part of the 12th section of the recited act repealed.

levied as aforesaid; shall not exceed, in any year, six and a fourth cents, upon each hundred dollars worth of property; and that so much of the twelfth section of the act of incorporation, as authorizes the county courts, who may subscribe for stock in said company, to raise the same by additions to their levy, or by a poll tax, be, and the same is hereby repealed.

[Approved February 28, 1835.]

CHAP. 868.—AN ACT for the benefit of the Town of Port William.

Trustees authorized to levy and collect taxes on the property in said town, and to appoint an assessor and a collector.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for the trustees of the town of Port William, or a majority of them, whenever they may think it expedient, to assess, levy and collect a tax on all real and personal estate within the limits of said town, not to exceed ten cents upon a hundred dollars worth of property in any one year, and to appoint a suitable person to take in a list of taxable property, and a collector to collect such tax, each of whom shall give bond and security, payable to the trustees, conditioned for the faithful discharge of the duties of their respective offices, and be allowed such compensation as shall be agreed on between them and the trustees.

Assessor's duty —to take oath of office.

SEC. 2. *Be it further enacted*, That the said assessor shall, before he enter upon the duties of his office, make oath before the trustees, truly and faithfully to discharge the duties thereof, and shall be governed by the laws and regulations now in force, relative to taking in lists of taxable property for revenue purposes, so far as the same may be applicable.

Collector may distrain for the taxes.

SEC. 3. *Be it further enacted*, That the said collector shall have power to distrain for the said taxes so assessed in case of non-payment, in the same manner as sheriffs are allowed by law, to distrain for the county levy.

Money to be expended for use of town.

SEC. 4. *Be it further enacted*, That the money arising from such tax, shall be expended by the justices for the benefit of said town, in such manner as they shall, from time to time, direct.

Trustees may cause streets & sidewalks to be paved at cost of lot holders.

SEC. 5. *Be it further enacted*, That it shall and may be lawful for the said justices, whenever two thirds of the owners of lots fronting upon any street, or any portion of a street, shall petition therefor, to cause such street or portion of a street to be paved,

with the sidewalks binding thereon, or sidewalks alone, at the cost and expense of the owners of the ground fronting such street or portion of street; and the said trustees shall possess ample powers to sell and convey any lot or part of lot, the owner of which shall refuse, when required, to defray the expense of grading and paving the street or sidewalk binding thereon: *Provided, however,* That the owner of such lot, so sold, shall be allowed the term of one year, after such sale, to redeem the same, by refunding the amount for which the same may sell, with ten per centum interest thereon, till refunded.

SEC. 6. *Be it further enacted,* That all laws and parts of laws, coming within the purview of this act, be, and the same are hereby repealed.

SEC. 7. *Be it further enacted,* That it shall and may be lawful for the trustees of said town, a majority of them concurring therein, to sell either at public or private sale, and convey to the purchaser thereof, such of the streets and alleys, or parts of either in said town, as they may deem superfluous, having first obtained the written consent of all persons owning property binding on such streets or parts of streets or alleys, and that the money arising therefrom, be paid over into the hands of the town treasurer, to be accounted for by him as other moneys, and applied by the trustees of said town to the improvement of such other streets and alleys as they may think best.

[Approved February 28, 1835.]

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And cause the lot to be sold
coerce same.

Proviso.

Repealing
clause.

Trustees may
sell and convey
some of streets
and alleys of
said town upon
certain condi-
tions.

CHAP. 869.—AN ACT to amend an act, entitled an act to incorporate the Bowlinggreen Bridge Company.

Whereas, it is represented to the present General Assembly, that the bridge erected over Big Barren river by a company incorporated by an act, entitled "an act to incorporate the Bowlinggreen Bridge Company, approved 25th January, 1819," has become in a great measure useless to the public and the shareholders, and that annually, for several years, a sum, nearly equal to the dividends derived from said bridge, has been expended in repairing the same, and that the president and directors of said company, under the apprehension of their liability for any loss or damage that may be sustained by those who pass said bridge, have ordered the gates of the same to be closed, to the

Recital.

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President and directors authorized to rebuild the same, and keep it in repair.

And to mortgage the same and the dividends for the above purposes

Shareholders to be held individually responsible to the amount of their stock.

Shares in said company may be sold under execution and transferred by sheriff.

great detriment of the good people of this commonwealth; and whereas doubts have arisen whether, under the act of incorporation, the president and directors are authorized and empowered to rebuild said bridge without the consent of all the shareholders: therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the president and directors of said company shall have, and they are hereby given full power to rebuild said bridge from time to time, and repair the same, so as at all times to keep said bridge in good condition for the safe passage of persons and things thereon, and that the president and directors of said company shall have, and they are hereby given power and authority to mortgage said bridge and the stock thereof, and the dividends arising from the same, for any amount not exceeding ten thousand dollars, for the purposes aforesaid, which may be evidenced by notes given under an order of the president and directors, to be signed by the president of said company for the time being.

SEC. 2. *Be it further enacted,* That for the security of said mortgage and notes, so to be given in addition to the security aforesaid, the shareholders of said company shall be individually responsible to the full amount of each share of stock respectively held by them at the time of making such contract, estimating said shares at one hundred dollars per share, and that any creditor of said company, upon being refused payment of any such demand on application to the president or any director of the same, may proceed to sue, by action of debt, before any court of record having jurisdiction of the sum due from said bridge company, the said company, or any individual shareholder or shareholders, and make recovery to the extent of his demand, and have execution therefor as in other cases.

SEC. 3. *Be it further enacted,* That the shares of the stock of said company shall be liable to be sold under execution against the holders of the same, in the same manner as other personal estate, and shall be transferred, when sold by the sheriff or other officer, upon the books of said company in the presence of the president thereof, and that such transfer, so made, shall be effectual to pass the right of the defendant in execution; and that before any sale shall be made of any share or shares of said stock under execution, it shall be the duty of the president of said company, upon application of the officer holding any such pro-

cess, to certify, under his hand, what number of shares such defendant has in said stock.

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SEC. 4. *Be it further enacted*, That any and every person or persons, who shall wilfully burn or attempt to burn, break down or attempt to break down, destroy or attempt to destroy, or materially injure said bridge, shall be deemed guilty of a felony, and upon conviction thereof, shall be confined in the jail and penitentiary of this commonwealth, for a period not less than two, nor more than ten years at the discretion of a jury.

Penalty for burning or injuring the said bridge.

SEC. 5. *Be it further enacted*, That so much of the charter of said company, as is embraced in the 14th, 16th, 17th and 18th sections thereof, shall be, and the same is hereby repealed, and that the said company have the further time of two years, from and after the first day of May next, to rebuild the said bridge, and that the charter therefor shall be forfeited, if the said bridge shall, at any one time, be out of repair and impassable for wagons, &c. for the space of two years after the same is rebuilt.

Part of charter repealed.

Two years allowed for rebuilding bridge.

Charter may be forfeited for not keeping the bridge in repair

SEC. 6. *Be it further enacted*, That the said company is hereby authorized to hold real estate to the use and benefit of said company, to the extent of ten acres.

Company may hold ten acres of ground.

SEC. 7. *Be it further enacted*, That said company shall have, and they are hereby given full power to erect a McAdamized passway, thirty feet wide, from the foot of said bridge, across the river bottom, to the hill on the north side thereof, and that the said company be not compelled to extend the wood work of said bridge to the said hill.

Authorized to construct a McAdamized passway to the said bridge.

[Approved February 28, 1835.]

CHAP. 870.—AN ACT to incorporate the Springfield and Bardstown Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company shall be formed for the purpose of making a turnpike road, uniting with the Bardstown and Louisville turnpike, where that ends at the town of Bardstown, in the county of Nelson, and extending to the town of Springfield, in the county of Washington, in the most direct and proper route for its construction, under the name and style of the Springfield and Bardstown Turnpike Road Company.

A company formed.

Style thereof.

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Capital stock.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be eighty-five thousand dollars, divided into shares of fifty dollars each.

Books to be opened.

At Springfield.

SEC. 3. *Be it further enacted*, That books for the subscription of stock in said company shall be opened on the first Monday in May next, at Springfield, under the direction of Elias Davison, C. A. Rudd, William B. Booker, John B. Smith, Watkins J. Cocke, Saml. Grundy and Levi Smith, or any three of them; at Bardstown, under the direction of William R. Hynes, Burr Harrison, Daniel S. Howell, Joseph Brown and Peter Sweets, or any three of them; and when the books, to be opened as aforesaid, shall have been kept open two months, the commissioners shall meet either at Bardstown or Springfield, and if one half of the stock shall have been subscribed on said books, notice shall be given in at least two of the newspapers of Bardstown and Louisville, that a meeting of the stockholders will be held in the town of Springfield, at such time as the commissioners may appoint, for the election of one president, nine managers, one treasurer, and such other officers as the stockholders may think necessary, who shall hold their offices for one year, and until others shall be duly elected and qualified; and the said president, managers and treasurer shall, before they enter upon the duties of their offices, take an oath before some justice of the peace, that they will faithfully discharge the duties of president, managers and treasurer, (as the case may be,) without favour or affection, according to the best of their judgment. The treasurer of said company shall, before he enters upon the duties of his office, give bond, with two or more securities, in such penalty as the president and managers may direct, payable to the president and managers of said company, conditioned, that he will faithfully discharge the duties of treasurer of said company, and that he will, when called on, pay the amount of money in his hands to the order of the president and managers, and that he will perform the duties required of him by the by-laws of said company.

Bardstown.

Com'rs. to give notice of time of meeting of stockholders.

To elect president, managers and treasurer.

Shall take an oath.

Treasurer to give bond and security.

Form of obligation.

SEC. 4. *Be it further enacted*, That the commissioners aforesaid, or some two or more of them, at each place, shall procure a book or books, and the subscribers of stock to said company, shall enter into the following obligation in said book or books, viz: "We, whose names are hereunto subscribed, promise to pay

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to the president, managers and company of the Springfield and Bardstown turnpike road company, the sum of fifty dollars for every share of stock in said company, set opposite to our names, in such manner and proportion, and at such time as shall be required by the president and managers of said company, and agreeable to an act of the General Assembly of Kentucky, incorporating said company: Witness our hands this _____ day of _____ 183 .” The said commissioners, or a majority of them, shall give notice in the newspapers printed at Louisville or Bardstown, of the times and places of opening the books for the subscription of stock in said company, and they will continue open until the amount of capital stock shall be subscribed.

Com'rs. to give notice of time and place of opening books.

SEC. 5. *Be it further enacted*, That upon the election and qualification of the president and managers aforesaid, they shall be a body politic and corporate, in deed and in law, by the name, style and title of the Springfield and Bardstown Turnpike Company, and by the said name, the said company shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their capital stock and the increase and profits thereof, and of purchasing, taking and holding to them and their successors and assigns, and of selling, transferring and conveying, in fee simple, all such lands, tenements and hereditaments, and real estate, as shall be necessary to them in the prosecution of their work; and to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in courts of record or any other place whatever; and also to have a common seal, and to do all and every other matter or thing which a body politic or corporate may lawfully do.

Created a body corporate and politic.

Corporate powers.

SEC. 6. *Be it further enacted*, That if it shall be ascertained that the amount of capital stock is not sufficient to accomplish the object of this act, the said president and managers may change it to such an amount as they may deem necessary, and open subscription therefor in such manner as they may think proper.

Capital stock may be increased.

SEC. 7. *Be it further enacted*, That the number of votes to which each stockholder may be entitled, shall be according to the number of shares he shall hold, and after the first election, no share or shares shall confer a right of voting, which shall not have been holden

The number of votes each stockholder is entitled to.

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May vote in person or by proxy.

Shall be stockholder in order to be an officer.

Company may fix the time and place of meetings and elections.

May pass by-laws, &c.

President and managers shall issue certificates of stock.

And shall be transferable.

President may call meetings.

Record of the proceedings to be kept.

three months previous to the election; the stockholders may vote in person or by proxy in writing, and no person, who is not a resident of one of the counties through which the road passes and a stockholder, shall be eligible to the office of president, manager or treasurer, and the president, manager or treasurer shall cease to be such, on his or their ceasing to be a stockholder. The annual election for president and managers shall be held at such time and place, as the president and managers shall direct, at which time, the president shall lay before the stockholders an expose of the situation of said company, also the records of their proceedings for the preceding year. The company shall have power to fix the days and places of their annual meetings and general elections, and pass all by-laws necessary for the regulations and proceedings and interests. A failure to make an election according to such by-laws as the company may adopt, or the provisions of this act, at the time and place provided for, shall not prevent an election thereafter of the officers aforesaid, by a majority of stockholders in amount of shares, and in all cases of election by stockholders a majority of the stock shall be represented.

SEC. 8. *Be it further enacted,* That the president and managers first chosen as aforesaid, shall deliver a certificate signed by the president and countersigned by the treasurer, and sealed with the seal of the corporation, to each shareholder for the stock by him subscribed and held, which certificate shall be transferable on the books of the corporation in person, or by attorney, but no share shall be transferred until all the calls and arrearages are paid thereon; the original certificate of share or shares transferred shall be surrendered, and a new certificate shall issue for the purchaser, who shall then be a member of the corporation, and entitled to all the privileges and benefits that the original owner was entitled to.

SEC. 9. *Be it further enacted,* That the president may call meetings of the managers at such times and places as they may think proper, a majority of all the managers necessary to do business; they shall keep a record of all their proceedings, to be entered in a book provided for that purpose, and shall be signed by the president, and in case of the absence of the president, the managers shall elect a president, *pro tempore*, and they shall adjourn from time to time, as they may think proper; the board of managers may also allow

the president and treasurer such compensation for their services as they may deem reasonable and expedient.

Sec. 10. *Be it further enacted*, That the president and managers shall have power to fill vacancies in their own body, occasioned by death, resignation or otherwise, to agree with and appoint all such surveyors, engineers, superintendents, artists and officers as they shall judge necessary to carry on the contemplated work; and to fix their salaries and wages, and to remove any of them at pleasure; to prescribe the time, manner and proportions in which the stockholders shall make payment on their respective stock to carry on said work; to draw orders on the treasurer for all moneys necessary therefor, and to do all such matters and things as by this charter and the by-laws of the corporation they are authorized to do.

Sec. 11. *Be it further enacted*, That the president and managers of said company shall give notice in the newspapers printed at Bardstown, and also one newspaper printed at Louisville for at least thirty days, of the amount of the call on each share of stock and of the time of payment, and if any stockholder shall neglect or refuse to pay his proportion of the stock for the space of thirty days after the time appointed for the payment thereof, every such stockholder shall, in addition to the instalment so called for, pay at the rate of one per cent per month for every delay of such payment, and if he shall fail to pay the amount of such call and the penalty aforesaid, for the space of six months after the time such payment is required, he shall forfeit such share or shares to the corporation, and the amount that shall have been paid thereon; and the president, by order of the managers, after having given ten days' notice, may proceed to sell such forfeited shares, provided, they will bring the amount due and unpaid upon said share or shares: *And provided also*, That no shareholder shall vote at any election, or be entitled to the rights of a member of said corporation until the whole amount due and payable as aforesaid on the share or shares, by him held, shall have been paid, agreeable to the requisitions of the president and managers of said company.

Sec. 12. *Be it further enacted*, That the several county courts of the counties through which the road above mentioned may pass, are hereby authorized to subscribe for stock in said company, and to meet said subscription by such addition to their county levy as

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President and managers may fill vacancies, and appoint surveyors, engineers, &c.

President and managers to give notice of amount of calls

Upon failure to pay calls, the stock to be forfeited.

President may sell the forfeited shares.

No stockholder to vote unless all arrearages are paid.

County courts may subscribe stock and levy the amount.

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may be necessary, and that the profits arising from said stock shall hereafter be applied to the lessening of the county levies in said counties respectively; they may also exercise the same right of voting by their respective agents or officers appointed by them respectively for that purpose, and all other rights and privileges with other stockholders.

How the road shall be constructed.

SEC. 13. *Be it further enacted*, That the said road shall be so levelled and graded, that when completed, its greatest elevation shall not exceed two and a half degrees, the width of the graded part of said road shall not be less than forty nor more than fifty feet, and the proportion of it covered with metal or McAdamized stone shall not be less than fifteen, and be fully nine inches in thickness or depth, from side to side; of that width the stone intended to be used for covering, shall be in size not larger than will pass through a ring of two inches in diameter.

President and managers may fix the route of the road.

May employ surveyors, agents, &c. and enter upon the lands, &c.

SEC. 14. *Be it further enacted*, That it shall be the duty of the president and managers of said company, or a majority of them, to fix the route over which said road shall pass between the places designated, so as to make it run through the town of Fredericksburg, in the county of Washington; and for the purposes heretofore named, may employ all necessary surveyors, agents, engineers, artists and chain carriers, &c. at the cost of the company, and they are hereby authorized to enter in and upon the land and enclosures, public roads and highways in, through and over which said intended road may be thought proper to pass, and to examine and survey the ground therefor, and to examine for quarries, beds of stone and other materials necessary for the completion and repairs of said road; and having due regard to economy, they shall locate the road on as direct a line as the ground will admit of, so as to pass it through the town of Fredericksburg in the county of Washington, provided, that by running through the said town of Fredericksburg, it does not, in the opinion of the commissioners, too much increase the expense of said road, and they shall cause two accurate plats of said road to be made out, one of which shall be deposited in the office of the secretary of state, and the other with the treasurer of the company.

The road to pass through Fredericksburg

President and managers to fix the route.

SEC. 15. *Be it further enacted*, That the said president and managers shall have power, under the restrictions hereinafter mentioned, to determine, fix and

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locate the route over which said road or any part thereof will pass, and when they shall deem it expedient to examine and survey any proposed route over and through premises and enclosures, the private property of any person or persons, they shall give notice to such person or persons, if residents of this commonwealth, and if non-residents, *femes covert* or infants, to their agents, husbands or guardians, in writing, ten days previously of their intention to examine and survey said proposed route, and request their assent thereto; and the same time in said notice, informing said person or persons that if said assent is withheld, they will (as hereinafter provided for) call upon viewers to assess the damages arising and accruing to them for said survey, and in the event of said person or persons withholding their assent, the said president and managers, or the officers employed in surveying said route, shall call upon two disinterested housekeepers, who (being first duly sworn) shall decide upon the amount of damages, if any, which will be sustained by such person or persons from the proposed examination and survey of their premises, provided the said president and managers and company shall, within ten days after the finding of said viewers, elect to pay, and actually pay or tender to said person or persons, in favor of whom the same has been assessed, the amount so determined and found to be due, they shall be, and are hereby authorized and empowered to enter in and upon the lands and enclosures of said person or persons, and survey and examine the ground, stone and gravel, quarries and other materials which they may deem suitable and necessary for the location and construction of the proposed road.

May enter upon private property, &c. by giving notice.

If consent is refused, may call on two housekeepers to assess the damages.

If the damages are paid or tendered in ten days, may enter upon the lands, &c.

SEC. 16. *Be it further enacted*, That all the provisions, from the 16th to the 36th section inclusive, of an act to incorporate a company to establish a turnpike road company, under the name and style of the Green River Turnpike Company, approved February 22d, 1834, except so far as is already provided for in this act, or may come in collision with the provisions of the same, and so far as the same are applicable to the object and intent hereof, are hereby adopted and enacted as a part of this act, and all the rules for the government of said corporation from the 16th to the 36th section inclusive, not inconsistent herewith, are hereby adopted for the regulation and government of the Springfield and Bardstown turnpike road company.

Certain sections of the Green river turnpike charter adopted for the government of this company.

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Bridges to be
erected over
certain streams

SEC. 17. *Be it further enacted*, That bridges shall be erected on said road across Cartwright's creek, Road Run and the Beech Fork, if it be necessary and proper so to do; the bridge across the Beech Fork shall be built on abutments on the shores of said stream, without any piers in the channel of said stream, and shall be sufficiently high to permit the free passage of flat boats in the highest stages of the water.

Two years al-
lowed to com-
mence.

SEC. 18. *Be it further enacted*, That the said company shall have two years after its organization to commence the construction of said road, and five years after its commencement to complete the same.

Company may
sell the stock
not subscribed
for.

SEC. 19. *Be it further enacted*, That said company may sell the residue of the stock, not originally subscribed, at such time and in such manner as they may deem most advisable, provided they shall not sell any stock for less than par.

[Approved February 28, 1835.]

CHAP. 871.—AN ACT to amend an act, entitled an act to improve and open the Road from Rocky Spring, in Harrison County, to Williamstown in Grant County.

Recital.

Whereas, it is represented to the General Assembly of the Commonwealth of Kentucky, that by an act passed at the last session of the legislature of Kentucky, authorizing the opening and improving a road from the Rocky spring in Harrison county, by the way of Colemansville to Williamstown, in Grant county, said road, owing to the poverty of the country through which it passes, the amount of five hundred dollars as is required by this act to be raised by subscription, cannot be effected; until which amount was raised, the state withheld her aid: for remedy whereof,

Additional
commissioners,
appointed to
mark and view
the route of the
road.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That in addition to the number of commissioners named in the above recited act, James Robinson, William Scott and Zachariah Finch, in Bourbon county, and Levi Ashbrook, of the county of Clarke, be, and the same are hereby appointed commissioners, in conjunction with the commissioners named in the above recited act, who shall be compelled to give bond and security as is required in said act, who, or a majority of them, shall view and mark out a road, the nearest and best way through their respective counties, commencing at the Rocky

And lay off the
same into pre-
cincts, and re-
port to the sev-

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spring, in Harrison county, leading through Pendleton county on to Williamstown, in Grant county, and it shall be the duty of the said commissioners, so soon as they shall have completed the viewing and marking said road, to lay it off into convenient sections or precincts, and shall make report of their proceedings, with the probable number of hands necessary for the immediate opening and working of said road, to the next county court of the respective counties.

eral county
courts.

SEC. 2. *Be it further enacted*, That it shall be the duty of the respective county courts of the aforesaid counties, immediately upon the receipt of the reports of their commissioners, to make an order for working and clearing out said road; the work to be done within nine months after making such order, which road shall not be less than forty feet in width; and shall appoint a surveyor upon each section or precinct as laid off by the commissioners, and shall allot him the number of hands to which he is entitled, and the boundaries from whence they are to be drawn; which precincts shall extend to at least two miles on each side of said road; copies of the above described orders of court shall be given to each surveyor appointed by their respective county courts, under the provisions of this act, within ten days after granting the same, by the sheriff or any constable of the county.

County courts
to appoint surveyors, and allot hands for opening road.

SEC. 3. *Be it further enacted*, That each and every person who shall fail and refuse to do his duty in working and clearing out said road, after having been duly notified by the surveyor, shall be subject to be dealt with in every respect as is at present authorized, under the existing laws on the subject of roads; and if any of the several surveyors, who shall be appointed under the provisions of this act, shall fail or refuse to perform the duties assigned him, without good cause shown, he shall forfeit and pay the sum of ten dollars, recoverable upon information before the county court of the county in which he or they shall have been appointed: *Provided however*, That ten days previous notice be given to the delinquent.

Penalty on the surveyor and hands for failing to perform their duties.

SEC. 4. *Be it further enacted*, That when any person through whose land the said road shall be viewed, shall object to the opening the same, the sheriff of the county in which the land may lie, shall, on being directed by the commissioners, summon a jury to meet upon the land on a certain day in the commissioner's order mentioned, who shall be qualified, to ascertain the

The mode of condemning the land for site of the road.

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Damages, how
to be paid.

damages that may arise to him or them from opening said road, which, together with the sheriff's fees, shall be paid out of the next county levy of the county in which said road may lay, the claims being first allowed by the county court.

The former
subscriptions
by the state &
by individuals
to be managed
by the commis-
sioners.

Proviso.

SEC. 5. *Be it further enacted*, That all moneys now raised by private subscriptions, together with the amount that has heretofore been appropriated by the state, shall be managed by the said commissioners, and placed in the hands of the respective overseers, to be applied to the use of said road, at the points of said road, as may seem most to demand it, to be left entirely to the discretion of said commissioners: *Provided, however*, That when said road has been viewed, and report thereof made to the county court of Grant county, that said commissioners have viewed said road and are prepared to commence the same, and shall produce the certificate thereof to the auditor of public accounts, he shall be authorized and is hereby required to issue his warrant on the treasury for the sum heretofore appropriated in the act to which this is an amendment, under such provisions and restrictions as is required in said act.

[Approved February 28, 1835.]

CHAP. 872.—AN ACT to incorporate the Frankfort, New Castle and Bedford Turnpike Road Company, and for other purposes.

Company in-
corporated.
Style thereof.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company shall be, and is hereby incorporated as a body politic and corporate, by the name, style and title of the Frankfort, New Castle and Bedford Turnpike Road Company, for the purpose of constructing a turnpike road from Frankfort, through New Castle and Bedford, to King's ferry in Gallatin county; which said company shall have perpetual existence, and by that style, shall sue and be sued in any court in this commonwealth.

Capital stock.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be one hundred thousand dollars, to be divided into shares of fifty dollars each.

Commissioners

SEC. 3. *Be it further enacted*, That William Owens, of Franklin county, William R. Roberts, of Shelby county, Thomas Smith, Masterson Ogden, James L. Nelson and Joseph P. Thomasson, of Henry county, and James L. Young, of Bedford, and Rufus King and

James McConathy, of Milton, Gallatin county, or any four of them, be, and they are hereby appointed commissioners; whose duty it shall be to open books for the subscription of stock, at such time and places as they shall deem expedient, and said commissioners shall have power and authority to appoint one or more agents to open books, and receive subscriptions of stock. The said commissioners shall give notice of the time and place, when and where books are opened for the subscription of stock in said company.

SEC. 4. *Be it further enacted*, That so soon as the amount of five thousand dollars shall have been subscribed in said capital stock by individuals and companies, the said commissioners, or any four of them, shall give at least ten days' notice, by public advertisement of the fact, at each of the places where books shall have been opened, and appoint a time and place for the meeting of the stockholders in New Castle, who shall, by vote, elect a president and five managers to conduct the business of said corporation, by the style aforesaid. The president, managers and all other officers of said company, shall severally take an oath to discharge the duties of their respective offices. They shall, as soon as may be, proceed to locate said road from Frankfort to King's ferry, on the Ohio river, in Gallatin county, and may be authorized to receive the written consent of all or any of the owners of land, through which, or near to which, said road may pass, for the grant of the right of way, timber, stone and soil, to make said road, and keep the same in repair, which consent, when so taken, shall be valid to every intent and purpose.

SEC. 5. The said road shall be opened at least sixty feet wide, except where the said officers shall (all things considered,) otherwise direct, and the same shall be graded to an elevation not exceeding four degrees, at least twenty feet wide at the bottom of said road, when the ground will permit said width and said grade.

SEC. 6. *Be it further enacted*, That when the said road shall be opened and graded for any distance thereof, equal to five miles, it shall be lawful for said company to erect a gate upon the same, and collect for the travel on said road one half of the rates of toll, authorized to be collected by the charter of the Louisville and Shelbyville turnpike road company, and at the same rates for any greater distance of said road, so soon as the same shall be opened and graded as afore

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To open books for subscription of stock, and appoint agents to receive same

When company shall be organized.

Stockholders to meet and elect a president and directors. All the officers to take an oath.

Company shall proceed to locate the road.

How the road shall be constructed.

Gates to be erected when 5 miles are completed.

Same toll to be collected as is collected on the Louisville and the Shelbyville road.

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The general powers of the Louisville and the Shelbyville road charter adopted for the government of this.

Company shall have the right to change the location of the road, and if not completed in 10 years, charter to be forfeited.

Georgetown and Rail Road Co. have the further time of 2 years to open books.

said; and when the said road shall be paved or McAdamized with stone at least twelve feet wide, then the said company shall have the right to claim the same toll that said company is entitled to, for so much of said road as may be so completed. The general provisions of said charter of the Louisville and Shelbyville turnpike-road company, and the several acts relating thereto, and amendatory thereof, shall apply to the company hereby incorporated, and are made parts of this charter, except so much thereof as may be inconsistent with the provisions of this act.

SEC. 7. *Be it further enacted*, That the said company shall have right and power to alter or change the location, which they may make of said road, or any part thereof, and they shall be allowed ten years, after the whole of said stock shall be taken and subscribed, to complete said road, and if the same shall not have been completed within that time, then the charter shall be void and forfeited for so much of the said road only as may not be completed, and no more.

SEC. 8. *Be it further enacted*, That the commissioners appointed by "an act to incorporate the Georgetown and Rail Road Turnpike Company, approved February 24th, 1834," shall have the further time of two years to open books for the subscription of stock in said turnpike road company, with all the rights, powers, privileges and immunities in said recited act.

[Approved February 28, 1835.]

CHAP. 873.—AN ACT to incorporate a Turnpike Road Company from Lancaster to Crab Orchard.

Company formed.

Capital stock.

Books to be opened in Lancaster.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company shall be formed under the name and style of the Lancaster and Crab Orchard Turnpike Road Company, for the purpose of making an artificial McAdamized road from Lancaster to the Crab Orchard; and that the capital stock of said company shall be the sum of forty thousand dollars, to be divided into shares of one hundred dollars each.

SEC. 2. *Be it further enacted*, That books for the subscription of stock in said company, shall be opened on the third Monday in April next, or as soon thereafter as may be convenient, at Lancaster, under the direction of John Simpson, Hugh W. McKee, Simeon

H. Anderson, Abner Baker and Erasmus B. Owsley, and at Crab Orchard, under the direction of Andrew Whitley, John Williams, Thomas Welch, Henry W. Faris and John S. Hansford, who are hereby appointed commissioners for that purpose. That said commissioners shall take from each and every person subscribing for stock in said company, in a book to be provided for that purpose, the following obligation, viz: "We, whose names are hereto subscribed, promise to pay to the president and directors of the Lancaster and Crab Orchard turnpike road company, the sum of one hundred dollars for every share of stock in said company, set opposite our names, in such manner and proportion, and at such times as we may be required by the president and directors of said company. Witness our hands, this

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Crab Orchard.

Form of subscriptions.

1835." But before said books are opened, the said commissioners shall advertise in one of the newspapers printed in Lexington, and in the Olive Branch, at least thirty days, the time and place when the books will be opened for the subscription of stock, and the same shall be kept open until the amount of the capital stock is subscribed.

Time of opening books to be published.

Sec. 3. *Be it further enacted*, That so soon as the sum of ten thousand dollars is subscribed, the said commissioners shall, at such time and place as they may appoint, call a meeting of the stockholders, and hold an election for a president and five directors, who shall hold their office for one year, and until others are duly elected and qualified. That said president and directors, who shall be elected as aforesaid, and their successors, shall be a body politic and corporate, under the style of the "Lancaster and Crab Orchard Turnpike Road Company," and by said name, said company shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their capital stock, and the increase and profits thereof, and of purchasing and holding to them and their successors, and of selling, transferring and conveying, in fee simple, all such lands, tenements and hereditaments, and estate, real or personal, as shall be necessary to them in the prosecution of their work; to sue and be sued, plead and be impleaded, and answer and be answered in all courts of record; also to have a common seal, and to do all other acts which a corporation might lawfully do.

When meeting may be called to elect officers.

Created a body politic.

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May make
by-laws, and
appoint treasurer
and artists

SEC. 4. *Be it further enacted,* That it shall be lawful for said president and directors to ordain and establish such by-laws as may be necessary for the benefit of the corporation, to appoint a treasurer, and to employ such artists, engineers, superintendents and other officers as may be necessary to carry on the contemplated work.

Towns and
county courts
may take stock
and raise the
same by taxes.

SEC. 5. *Be it further enacted,* That it shall be lawful for the trustees of any town, and for the county courts of Lincoln and Garrard to subscribe for stock in said company; and whenever the county court of either of said counties shall subscribe for stock, they are authorized to raise the amount by an *ad valorem* tax upon the real estate of the county: *Provided,* That the tax to be levied for that purpose, shall not exceed six and a fourth cents upon each hundred dollars worth of property.

Grade & width
of the road.

SEC. 6. That said road shall be levelled and graded thirty feet in width, and its greatest elevation shall not exceed three degrees; that the part of it covered with metal or McAdamized stone shall not exceed eighteen feet, and be fully nine inches in depth.

Directors to fix
the route.

SEC. 7. *Be it further enacted,* That the president and directors of said company shall fix the location of said road from Lancaster to Crab Orchard, on such route as they, in their judgment, may deem most eligible, and shall cause two fair plats of said road to be made, one of which shall be lodged with the treasurer of the company, and the other deposited with the secretary of state.

How they may
acquire land on
which the same
is to run.

SEC. 8. *Be it further enacted,* That in case said company shall not be able to acquire the title to the lands over which said road is located, by purchase or voluntary cession, it shall be lawful for said corporation to appropriate so much of said lands as may be necessary for the purposes contemplated by its charter, on complying with the substance of the provisions contained in the 16th, 17th, 18th, 19th, 20th, 21st and 22d sections of an act, approved 22d February, 1834, entitled "an act to incorporate the Danville, Lancaster and Nicholasville turnpike road company."

When gates
may be erected

SEC. 9. *Be it further enacted,* That so soon as the president, directors and company shall have completed any five miles of said road, continuously, they shall call on three justices of the peace in the county in which said five miles, or the major part thereof, shall be located, who are not interested in the stock of

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said company, to examine the work, and if they shall certify that said road is made in conformity to the provision of this act, the certificate shall be recorded in the offices of the county courts of said counties; and the president and directors may cause a toll gate to be erected across said road, and may collect the tolls and duties hereinafter granted to said company, from all persons travelling with horses, cattle or carriages; and in case such disinterested justices cannot be found, the president and directors may give notice thereof to the circuit or county court of said county, and on such notice being entered of record, the said court shall appoint three fit and discreet persons commissioners, whose duty it shall be to inspect said road, or so much thereof as shall be completed, and if it shall be their opinion that the road, or any five miles of it, at one point, is completed according to the provisions of this act, their report shall be recorded in said circuit or county court, and the judge or court shall enter of record how many gates the company may erect; whereupon, it shall be lawful for the company to erect a toll gate for every five miles of turnpike road they have so completed at any one time, and at such places as to them may seem most eligible: *Provided*, That no toll gate shall be erected within less than two-thirds of a mile of any incorporated town.

SEC. 10. *Be it further enacted*, That when the said gate or gates shall be erected as aforesaid, it shall and may be lawful for the president and directors to appoint as many toll gatherers as they may deem requisite, and to collect and receive of and from all and every person or persons using said road, at each toll gate, for each and every five miles they may use or travel on, the toll and duties hereinafter mentioned, and to stop any person riding, leading or driving any horse or mule, or driving any cattle, sheep, hogs, sulky, chair, chaise, cart, wagon, or any other carriage of pleasure or burthen, from passing through said gate or turnpike, until they shall have paid toll agreeable to the following rates, viz: for every twenty head of sheep, hogs or other small stock, six and a fourth cents; for every ten head of cattle, six and a fourth cents; for every horse, mule or ass, or other four footed animal of the larger kind, except cattle, four cents; for every two wheel pleasure carriage, eight cents, exclusive of the beasts by which it is drawn, and the person or persons

Rates of toll.

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Printed lists to
be set up.

Fine for evad-
ing the gates.

Company to
keep an acc't
of receipts and
expenditures.

To declare di-
vidends.

transported in it; for every four wheel pleasure carriage, sixteen cents, exclusive as above; for every cart, if empty, twelve and one half cents, and with a burden, eighteen and three fourth cents; for every four wheel wagon or other carriage of burthen, whose wheels shall not exceed three inches in width, twenty-five cents; for every such carriage of burthen, whose wheels shall exceed three inches, but are not more than six inches in width, twenty cents; for every such carriage of burthen, whose wheels shall exceed six inches in width, ten cents, exclusive of the established toll herein of the beasts by which they are drawn; for every person, two cents. The president and directors shall cause printed lists of the rates of toll to be affixed on or near the gates across said road.

SEC. 11. *Be it further enacted*, That if any person, liable to pay the toll aforesaid at either of the toll gates erected in pursuance of the aforesaid provisions, shall, with intent to defraud the company aforesaid, pass through any private gate or bars, or along or over any ground or land near to or adjoining any turnpike or gate, or with intent aforesaid, or shall take off, or cause to be taken off any horse, cattle or other thing, on which toll should be paid, or with intent to lessen or evade the payment of any such toll or duty, shall practice any other fraud or device, or use force, such person so offending shall, for every such offence respectively, forfeit and pay, over and above the tolls, to the president and directors of said company, a sum not less than one dollar, nor more than five dollars, recoverable before any justice of the peace in like manner as other debts of equal amount are in other cases.

SEC. 12. *Be it further enacted*, That the president and directors shall keep a fair account of all the receipts and expenditures of the company, which shall, at all times, be open to the inspection of any stockholder at their general meetings; they shall, at the end of every six months after the completion of said road, make a dividend of the clear profits, and pay it to the stockholders; the dividends shall be declared on the first of May and first of November in each year, unless otherwise ordered by the by-laws: *Provided, however*, That if the net proceeds of the tolls, at the rates herein allowed, shall not produce a dividend of six per centum per annum, net profits, on the cost of said road, the same may be increased so as to produce six per cent per annum; and if the said rates shall

be found in any year to produce more than twelve per cent per annum, they shall be reduced so that they will not exceed twelve per centum per annum.

SEC. 13. *Be it further enacted*, That the president and directors shall take bond, with good security, from the gate keepers and other persons employed by them, for the faithful discharge of the duties assigned them respectively, which bonds they may cause to be renewed whenever they may deem it necessary, payable to the president, directors and company as aforesaid.

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Gate keepers
to give bond.

SEC. 14. *Be it further enacted*, That when any five miles of said road shall be completed, the said president, directors and company may contract for, purchase and hold to them and their successors forever, any quantity of land not exceeding one acre, at the site of each toll gate erected upon said road agreeably to the provisions of this act, and if they cannot agree for such land at their respective gates with the owner or owners thereof, they are authorized to possess themselves thereof, by application to the judge in the district where the land lays, and proceeding as directed for the location of the road: *Provided, however*, That in the selection and appropriation of land under this section, the said president, directors and company shall not include the dwelling house, out house or gardens of any person without their consent, and shall not so locate the said land so as to prevent the owner or owners of the adjacent lands from access to said road on either side of any gate to which they would have had access, if such location had not been made.

May hold an
acre of land at
each gate.

SEC. 15. *Be it further enacted*, That nothing in this act contained shall be so construed as to impose toll fees upon the owners of land through which the said road shall pass, their horses, cattle or servants passing on said road, from one part of their farm to another, or to impose toll fees upon venire men and grand jurors of the same county, passing to and from the court to which they are summoned, or persons passing to or from any funeral, or with any funeral procession, nor shall any tolls be imposed upon citizens of the county, while going to, and returning from the general elections in said county, nor upon militia on days of muster, or attending court of assessment in pursuance of their duty, nor upon persons going to, or returning from a neighboring place of public worship on the Sabbath, but all such persons, with their horses or vehicles, shall, for the time being, pass free of toll.

Who exempt
from paying
toll.

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Road to be
commenced in
three years.

SEC. 16. *Be it further enacted*, That if the construction of the road, provided for by this act, shall not be commenced within three years from the passage hereof, the rights, privileges and immunities hereby granted, shall be void to all intents and purposes.

[Approved February 28, 1835.]

CHAP. 874.—AN ACT to amend the law establishing a Turnpike Road from Louisville, in the direction to Nashville, by way of Elizabethtown, Munfordsville and Bowlinggreen.

Former law
repealed.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That so much of the fourth section of a law, approved January 22d, 1831, or any other law that might be construed to discontinue or change the location of the road established by the act of February 2d, 1833, be, and the same is hereby repealed, and the location and route shall be as directed by the last recited act.

Location of the
road.

SEC. 2. *Be it further enacted*, That said road is hereby directed to be further located from Munfordsville, by way of or near Bell's tavern in Barren county, thence by the way of the Dripping spring in Edmondson county, thence by the way of John Lucas' in Warren county, thence by Bowlinggreen, thence by Franklin, and thence to the Tennessee state line in the direction to Nashville.

Work may
commence at
any point.

SEC. 3. *Be it further enacted*, That the said work and improvement on said road be, and the same is hereby authorized to be commenced, at any point in either direction on said road, whenever stock is taken and subscribed, sufficient to make five miles thereof.

Subscriptions
for stock.

SEC. 4. *Be it further enacted*, That books for subscriptions in the stock of said company shall be opened on the first Monday in May next, (and from time to time till the stock is taken,) at Louisville, Nashville, Franklin, Bowlinggreen, Dripping spring, Bell's tavern, Munfordsville and Elizabethtown, and the following gentlemen, or any two of them, at each of said places, are hereby authorized to open books and take subscriptions for said stock according to the original charter, to-wit: at Louisville, James W. Thornbury, George Keats, Isaac Miller, Joseph Read, William Lewis, Benjamin Cawthorn, Patrick H. Pope, Robert Miller and John Jones; at Nashville, Ephraim H. Foster, Matthew Watson, Andrew Hines, Thomas Crutch-

Com'rs.

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er, George Brown and Col. H. Douglass; at Franklin, John Finn, Henry B. Montague, John L. Moore, James K. McGoodwin, Durham Hale, Joel Hudspeth, James W. Davidson, John Hoy and Noah Hampton; at Bowlinggreen, John S. Lucas, Matthew W. Henry, Robert W. Lucas, William Gossom, James R. Skiles, Jacob Vanmeter, Henry Shanks, John W. Covington, William D. Mason and Doct. William C. Payne; at the Dripping spring, Doct. William Ford, Stanford Mitchell, John White, Edmund Hall and Benjamin Ford; at Bell's tavern, William Bell, William Anderson and Samuel Parker; at Munfordsville, George T. Wood, Thomas Munford, Aylett H. Buckner, James Murray and Jesse Craddock; at Elizabethtown, Hugh Mulholland, Washington R. Lucas, John Morris, Bryant R. Young, Benjamin Riddle, William Dunavan, Robert C. Slaughter, William E. Wilson and Edward B. Gaither, and such commissioners are authorized to receive subscriptions for stock upon such terms and conditions as they may deem expedient.

SEC. 5. *Be it further enacted*, That whenever the stock shall be taken, or so much thereof as will complete the road, or the parts of said road provided for in this act, it shall and may be lawful for the stockholders to convene at any time or place designated for the purpose, to elect a president and directors and such other officers as may be necessary, first giving twenty days' notice of the time and place in some newspaper in Nashville, Louisville, Elizabethtown and Bowlinggreen; and the said president and directors, when elected, shall constitute a body corporate and politic, in deed and in law, for all the purposes intended to carry into effect the provisions and designs of this act.

Election of
president and
directors.

[Approved February 28, 1835.]

CHAP. 875.—AN ACT to appropriate the vacant Lands in this Commonwealth, north and east of the Tennessee River, to the Counties in which they lie, for the purpose of Internal Improvement.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all the lands within this commonwealth east and north of the Tennessee river, which shall be vacant and unappropriated on the first day of August next, shall be, and the same are hereby vested in the respective county courts of the county in which any of the said lands may lie.

Vacant lands
vested in the
county courts.

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Mode of selling
it.

SEC. 2. *Be it further enacted,* That said county courts respectively may sell and dispose of any such unappropriated lands named in the first section, for such price as the court may think best, but for not less than five dollars per hundred acres; and it shall be the duty of any person desiring to purchase any vacant and unappropriated land described in the first section, to apply to the court of the county in which the land lies, and agree with the court for the price; and such court shall, by an order on its records, direct the county surveyor, or any of his deputies, to survey the quantity of land sold to any individual or individuals at the expense of the purchaser, and to return a survey and plat thereof to said court, specifying the quantity, and a well marked boundary; and on the return of the survey to the court, and the payment of the price, the court shall order said survey to be recorded, and direct a copy of the order and survey to be certified by the clerk; and the clerk shall deliver such certified copy of the order and survey to the purchaser, and such survey delivered to the register shall be his authority to issue a patent to the purchaser according to the survey; and the surveys hereby directed shall be assignable. The register shall issue a patent without fee.

Proceeds of
sale applied.

SEC. 3. *Be it further enacted,* That the proceeds of said land shall constitute a fund for the improvement of the roads and bridges in the counties respectively, and shall never be by the county courts appropriated to any other purpose whatever. They shall have power and jurisdiction to appoint one or more commissioners, with power and authority to dispose of said land, and superintend the disbursement of the proceeds thereof.

Settlers pro-
tected.

SEC. 4. *Be it further enacted,* That no location or appropriation of land whatever under this act, shall prevail against any actual settler including to his boundary, whether such actual settler has any title in law or equity deducible from the commonwealth or not, provided he has either a deed or bond for the land; and every survey or patent which interferes with the settlement or boundary of any such actual settler shall be utterly void; and furthermore, no location of land under this act shall interfere with appropriations of vacant land already made by law, for the improvement of roads, rivers or bridges, although such appropriations may not be carried into grant at the said first

Not to inter-
fere with for-
mer appropri-
ations.

day of August next: *And, provided also,* That this act shall not be construed to apply to any land stricken off to the state for non-payment of taxes, or forfeited for non-entry for taxation; and any survey or patent made or issued under this act, which interferes with any survey or patent heretofore made or issued shall be null and void; all laws coming within the purview of this act, are hereby repealed.

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Proviso.

[Approved February 28, 1835.]

CHAP. 876.—AN ACT amending the Law as to Dower Slaves.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That any widow, or the husband of any widow, or any subsequent purchaser claiming under the title of any widow, or the husband of any widow who shall cause, permit or suffer to be removed out of this commonwealth, any slave or slaves possessed by them under the title of dower, without the consent of him, her or them entitled to such slave or slaves in reversion or remainder, shall forfeit all the dower estate to said slave or slaves, to the person or persons entitled to the same, in reversion or remainder, as the case may be; and in all cases where any slave or slaves shall be held under title of dower, it shall be lawful for the person or persons entitled to them in reversion or remainder, to file a bill in chancery against the person or persons holding them, and the chancellor, on a sufficient cause made out, shall require bond and security for the forthcoming of the slave or slaves, at the termination of the dower title.

Dower slaves not to be removed out of the state.

Chancellor may require security.

[Approved February 28, 1835.]

CHAP. 877.—AN ACT authorizing William S. Grant to make conveyances in certain cases of Lands sold by Squire Grant, now deceased, and not heretofore conveyed.

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William S. Grant, who is administrator of the goods and chattles of Squire Grant, deceased, late of Campbell county, and one of his heirs, shall be, and he is hereby authorized to convey by deed, in fee simple, to the purchaser of any tract of land lying in Campbell county aforesaid, within this commonwealth, for the conveyance of

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which, any such purchaser holds a written contract, executed by the said Squire Grant, to convey the same, which conveyance shall be made in conformity to the contract: *Provided*, That no conveyance shall be made by the said William, to any purchaser, unless the consideration has been, or shall be paid by the purchaser, according to the terms of the contract with the said Squire Grant; and the said William shall attach to each conveyance, as a part thereof, the written contract binding the said Squire Grant to convey such land.

SEC. 2. *Be it further enacted*, That any person or persons deriving claim from the original purchaser to any written contract as aforesaid, executed by the said Squire Grant, shall be entitled to receive a conveyance for the land therein mentioned, from the said William accordingly, subject to the regulations prescribed in the preceding section, as far as they are applicable.

SEC. 3. *Be it further enacted*, That any and every conveyance made by virtue of this act, shall be as effectual to pass the title of the heirs of the said Squire Grant, to the land therein conveyed, as if the said Squire Grant had, in his lifetime, deeded the same to the purchaser, or any person or persons claiming under him: *Provided, nevertheless*, That this act shall not operate so far as to prevent the heirs of the said Squire Grant from investigating the validity of any deed which may be executed by the said William, by virtue of this act, and causing the same to be set aside and annulled, according to the usages of courts of chancery, if it should appear that there is good and sufficient reason therefor.

[Approved February 28, 1835.]

CHAP. 878.—AN ACT for the benefit of the Sheriff of Hickman County.

Preamble. Whereas, it is represented to this general assembly, that Thomas James obtained from the auditor of public accounts, on the 21st day of January, 1835, a quietus for the sheriff of Hickman county, for the revenue due from said county for the year 1834, and forwarded the same immediately by mail, but was not received by said sheriff in time to enable him to present the same to the county court of said county, at

their February term; but said court believing that said sheriff had obtained the aforesaid quietus, they therefore permitted him to enter into bond as required by law, and doubts are entertained whether said bonds are legal and valid: for remedy whereof,

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Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the bonds entered into by Jarrett Willingham, in the county court of Hickman county, as sheriff of said county, for the collection of revenue tax and county levy of said county, on the first Monday in February, 1835, shall be, and the same are hereby declared legal and valid, as though said quietus had been presented in open court, and that the acts of said sheriff, which may hereafter be done according to law, shall be, and the same are hereby declared valid and binding, as though said quietus had been produced in open court.

Bonds for the revenue & levy legalized.

[Approved February 28, 1835.]

CHAP. 879.—AN ACT to incorporate the Versailles Hotel Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a company shall be, and the same is hereby established, to be denominated the Versailles Hotel Company.

The company formed.

SEC. 2. The capital stock of said company shall consist of twenty thousand dollars, to be divided into two hundred shares of one hundred dollars each, to be subscribed for as hereinafter directed.

Capital stock.

SEC. 3. *Be it further enacted,* The subscribers to said company, their successors and assigns, shall be, and are hereby made a corporation and body politic in law and in fact, by the name and style of the Versailles Hotel Company, and shall so continue until the first day of January, one thousand nine hundred; and by the name and style aforesaid, they shall be, and are hereby made able and capable in law, to contract and be contracted with, to have, possess, enjoy, and retain to themselves and their successors, lands, rents, tenements, hereditaments, goods, chattels and effects, as may be necessary and convenient for the erection and furnishing a Hotel, and the requisite appendant buildings to such an establishment; and should there, at any time, be any rooms in said hotel or appendant buildings not required for the use of the hotel, they may sell or lease the same, and the same to sell, grant,

Incorporated.

Corporate powers.

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alien, demise and dispose of; to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in courts of record or any other place; and also to make, have, and use a common seal, and the same to break, alter or amend at pleasure; and also to ordain, establish and put in execution such by-laws, ordinances and regulations, as shall seem necessary and convenient for the government of said corporation, not being contrary to law and this act; and generally to do and execute all and singular such acts, matters and things, that a corporation for particular purposes may rightfully do.

President and
directors to be
chosen.

SEC. 4. For conducting the affairs of said corporation, there shall be a president and four directors, chosen annually by the stockholders at a general meeting to be held in Versailles on the first Monday in January, at some place to be designated by the by-laws: *Provided*, That the first election of president and directors shall not be included in the said regulation, but shall be held at the time and in the manner hereafter pointed out by this act: *And provided also*, That in case it shall happen that an election of directors should not be made upon any day when, pursuant to this act, it might have been done, the said corporation shall not, for that cause, be dissolved; but it shall be lawful, on any other day, to hold and make an election of president and directors, in such manner as shall be regulated by the by-laws of said corporation, and the former president and directors shall continue in office until such new election shall be made; and in case of the death, resignation, or absence from the state, of the president or any director, his place shall be filled by some person elected by a majority of the remaining members of the board.

Proviso.

Officers.

SEC. 5. The president and directors shall have power to appoint agents, officers and servants under them, for executing the business of the corporation, removable at pleasure, and to allow them such compensation as shall be reasonable; and said president and directors, for the time being, may make, revise, alter or annul such rules, orders, by-laws and regulations for the government of said corporation, its agents, officers and servants, as they, or a majority of them, from time to time, shall deem expedient: *Provided*, That no such rule or by-law shall be inconsistent with the laws of the land or with this act.

By-laws.

SEC. 6. In all elections, each share shall entitle the owner to one vote; none but a stockholder shall be eligible as a director or president, and every president and director shall vacate his office by ceasing to be a stockholder; and in all elections, the stockholders may vote in person or by attorney.

SEC. 7. It shall require three directors, or the president and two directors, to form a board; and no compensation shall be given to the president and directors, unless it shall be allowed by the stockholders at their general meeting.

SEC. 8. The said corporation shall not be allowed to hold any real estate, which does not lie within the present boundaries of the town of Versailles, and such other land as may be in good faith mortgaged or conveyed in trust by way of security.

SEC. 9. The stock in said company shall be assignable only on the books of said company, and shall, to all intents and purposes, be considered personal estate.

SEC. 10. The president and directors shall, from time to time, make such dividends, arising from the rents and profits of the corporation, as they may think proper; and it shall be lawful for them to effect insurance on their hotel, or any other house or property that may belong to said corporation.

SEC. 11. To carry into effect this corporation, Noah Hayden, Robert Kincaid, Daniel Divine, William B. Blackburn, jr. David Thornton, Isaac Whittington, George M. Pinkard, Randolph Railey, jr. William Barr and Humphrey Jones, are appointed commissioners, who, or a majority of whom shall, on the first Monday in April next, open books for the subscription of stock in said corporation, at William Mayo's tavern, in the town of Versailles, which books shall be kept open for one week, unless the whole of said stock shall, in a less time, be subscribed; and if it shall appear that thirty-five shares or more shall be taken, the stockholders who have so subscribed for shares, shall meet at William Mayo's tavern, in the town of Versailles, on the first Monday in May next, or at such other time as may be designated by said commissioners, and under the supervision of said commissioners, or a majority of them, proceed to elect by ballot, a president and four directors, to serve until their successors shall be duly elected under the provisions of this act; and the person having the highest number of votes for president, shall be duly elected, and the four

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Shares voted.

A quorum.

Pay of president and directors.

Real estate.

Stock assignable, and personal estate.

Dividends.

Insurance.

Com'rs. to open books.

Election of president and directors.

1835

Officers.

persons having the highest number of votes for directors shall be duly elected; and the president and directors so elected, shall meet at some convenient day thereafter, to be appointed by them, and organize their board, by the appointment of a secretary, who shall keep a record of the proceedings of the board, and by the appointment of a treasurer, from whom they shall take a bond, for the faithful discharge of his duties, both of whom shall be removable at the pleasure of the board.

Calls on stock.

SEC. 12. It shall be lawful for said president and directors to make such call or calls, from time to time, on said stock, as they may require to complete said hotel, which calls shall be paid to the treasurer of the company; and if any stockholder shall fail to pay such call or calls, it shall be lawful for the president and directors to forfeit, for the use of the corporation, the sum or sums which may have been paid on said share: *Provided, however,* That no call shall be made without giving two weeks' notice of the time of payment, in some newspaper printed in Lexington or Frankfort, and at the court house door in the town of Versailles: *And provided moreover,* That after the full amount of each share shall have been paid, the board shall not have a right to make any further calls without the consent of a majority of the stockholders at one of their annual meetings.

Notice.

Further subscriptions.

SEC. 13. It shall be lawful for the president and directors to open their books at such time and in such way as they may think proper, for further subscriptions of stock, not to exceed in all, two hundred shares—subject to such rules and regulations as they may prescribe.

May borrow money.

SEC. 14. It shall be lawful for the president and directors, after the full amount of the stock which may be subscribed for as aforesaid at the first opening of the books as aforesaid, for subscription, shall be fully paid, to borrow any sum of money which may be deemed necessary to complete and finish said hotel, not to exceed ten thousand dollars, and to pledge the effects of said corporation for the payment thereof.

Service of process on corporation.

Bound by contracts not under seal.

SEC. 15. In all suits instituted against this corporation, service of the process on the president and secretary, shall entitle the plaintiff to judgment by default, at the first term, if they shall fail to appear and answer to such suit; and it shall not, in all cases, be necessary to show a contract under the seal of the cor-

poration, to maintain suit against them; but on the contrary, said corporation shall be bound by any written contract, signed by the president, and attested by the secretary, or by any written contract or parol contract expressed or implied, which may be made by any of their agents or superintendants, in the name of said corporation: *Provided*, such parol or written contract shall be within the fair meaning of the power or authority, granted or delegated to such agent or superintendent: *Provided*, That the legislature reserves to itself the right to repeal or modify said corporation at pleasure.

[Approved February 28, 1835.]

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Proviso.

Right to repeal this charter reserved.

CHAP. 860.—AN ACT to incorporate the Town of Frankfort.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the town of Frankfort, as now established by law, within the boundaries defined in the plat of said town, shall be, and is hereby declared to be the town of Frankfort; and as such, by that name, shall be capable in law of contracting and being contracted with, of suing and being sued, of answering and being answered, in all matters whatsoever, and in all courts and places.

Town incorporated.

SEC. 2. *Be it further enacted*, That the fiscal, prudential and municipal concerns of said town, with the government and control thereof, shall be vested in one principal officer, to be styled The Chairman of the Board of Trustees of Frankfort, and six trustees; all of whom, for the first time, shall be elected on the first Saturday in March, 1835, in the same way that the trustees of said town have heretofore been elected, who shall hold their office for one year, and until their successors shall have been qualified. The chairman shall be elected, and hold his office for one year, and until his successor be duly qualified, all of whom shall be freeholders, and shall have resided in said town one year next preceding their election.

To be under government of a chairman and six trustees.

When to be elected.

To be freeholders.

SEC. 3. *Be it further enacted*, That on the first Saturday in March, in each succeeding year, the free white male inhabitants in said town, over twenty-one years of age, who have resided therein six months next preceding the time of the election, and who shall have paid up all arrearages due said town for his poll and other tax, for the preceeding year, which, upon

Annual election.

Qualification of voters.

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Trustees to
take an oath.

being questioned, must be satisfactorily shown, may vote for a chairman and six trustees, naming who they vote for as chairman and who as trustees. The chairman and trustees shall, before entering upon the discharge of the duties of their office, be qualified before some justice of the peace, to support the constitution of the United States and the state of Kentucky, and discharge their duties as chairman and trustees, (to which office they may have been severally elected,) to the best of their ability, during the time they continue in office.

A chairman
to be commis-
sioned by the
governor.

SEC. 4. *Be it further enacted*, That the clerk of the board of trustees shall certify to the governor of Kentucky, the number of votes given to the two persons having the highest number of votes given them for the office of chairman, one of whom the governor shall commission as chairman of the board of trustees for the town of Frankfort, to be nominated by him, for the advice and consent of the senate, as in other cases. In case of the death, removal or resignation of the chairman, another may be elected and commissioned in his stead, to fill the residue of his term. The chairman, trustees and all officers thereof to be appointed by them, shall reside and keep their office within the limits of said town, during their continuance in office. Three months' absence from said town, by the chairman or trustees, shall vacate their office by a resolution to that effect, by the whole number of the remaining trustees; and another in such case may be elected in their stead. The clerk of the county court of Franklin shall certify, on the certificate issued by the clerk, showing the number of votes for chairman of the board of trustees, to be presented to the governor, that such person is clerk of said board of trustees, to which he shall affix the seal of the court without fee; and the chairman of the board of trustees shall be qualified before a justice of the peace; he shall be authorized to administer an oath to each and every trustee, and all officers of said board. The chairman, with a majority of the trustees elected, shall be capable of doing business in session; the chairman shall preside and give the casting vote when there shall be a tie; he shall call the board to order, and convene the board when he may think proper. The board of trustees shall have power to enforce the by-laws and inflict penalties, not exceeding two dollars, on any member for non-attendance, at one meeting, to be applied for stationary, lights and fuel for said board; the chairman and board

Chairman and
trustees to re-
side in town.

Clerk of Frank-
lin to certify
the number of
votes given for
chairman.

Chairman to
administer an
oath to the oth-
er trustees.

Duties of the
chairman in
calling meet-
ings.

Fine for non-
attendance.

of trustees shall annually appoint a clerk, assessor, treasurer, marshal, market master, surveyor and other officers, as may be necessary to carry into effect the by-laws, rules and regulations made for the general welfare of the citizens of the town; the trustees shall have power in every year, sixty days previous to the annual election in such year, to lay the town off into two or more wards, to be as nearly equal in population and improvement as practicable, out of which may be elected an equal proportion of trustees, and one chairman by the persons entitled to vote; the place in each ward, to be advertised in some newspaper printed in said town, where the voters residing therein may elect the number of trustees to which said ward may be entitled, and each to reside therein. Each qualified voter shall vote for the number of trustees so appointed, to the ward in which he resides, and one chairman for the town, in presence of a clerk and trustees appointed by the board, as judge and clerk of such ward. The judges and clerks of the several wards shall hold the elections in the different wards at the same time, and close at the same hour; they shall give such trustees as are elected in each ward a certificate of their election; the judges and clerks of the different wards shall meet and certify to the clerk and chairman the number of votes given for chairman; the clerk of the board of trustees, shall, in presence of the judges from the different wards, add up the polls, and certify the same to the governor as directed in the foregoing section of this act. When the chairman shall be commissioned by the governor, he shall have the power and authority, within the limits of the town of Frankfort, as justices of the peace in their district, so far as it relates to the ordinances and by-laws of Frankfort. His process shall be issued in the name of the commonwealth as other warrants, and made returnable to him as chairman of the board of trustees for the town of Frankfort, directed to any constable of said county, if to be executed without the limits of said town, to be returned by the marshal or constable, under the same penalties as other process from justices of the peace. The chairman and all other officers, shall be vigilant and active in causing the laws and ordinances to be duly executed, and put in force. The chairman shall countersign all orders of the board, signed by the clerk; he shall report all improper conduct of the officers appointed by said board, to such board in ses-

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A clerk and
others officers
to be appointed

Town may be
laid off into
wards.

Elections in,
how conducted.

and certified.

Powers and du-
ties of chair-
man.

Mode of issu-
ing and return-
ing process.

Further duties
of chairman &
other officers.

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Chairman to have jurisdiction of all offences within the town.

Riots, breaches of the peace, &c.

To impose fines for shooting, racing, &c.

Fees of chairman.

Further jurisdiction in cases where trustees are parties.

Real estate sold for taxes maybe redeemed.

sion, and such board shall have power and authority to remove them, by resolution of the board, to be recorded by the clerk; the chairman shall have jurisdiction, within the limits of said town, to hear and determine all offences, require bail, and return recognizances to the circuit court of Franklin county, as justices of the peace have in such cases; he shall have jurisdiction over assaults and battery, riots, breaches of the peace, and unlawful assemblies, with like jurisdiction of all indecent behaviour, contrary to the laws and ordinances of the board; the chairman and board of trustees shall have power and authority to impose fines upon all persons who shall be guilty of indecent or boisterous conduct, as disturbs the peace and dignity of said town; they shall have power and authority to impose fines upon persons who shall be guilty of running horses, profane swearing, shooting guns, or making reports by the burning of powder, blowing horns, crying aloud by day or night, and all riotous conduct within said town; the fines for such offences, to be ascertained by a jury, as cases of breaches of the peace, in any sum not exceeding twenty dollars for each offence.

SEC. 5. *Be it further enacted,* That the chairman shall be entitled to the fee of one dollar for a peace warrant, or for a warrant for a riot, rout or breach of the peace, or unlawful assemblies; a warrant for a breach of any ordinance or by-law of the said board of trustees, fifty cents; for all other kind of warrants, when the trustees are a party, twenty-five cents. He shall be entitled to twelve and a half cents for a judgment; twelve and a half cents for recording judgment; twelve and a half cents for an order of sale; twelve and a half cents for a subpoena; twelve and a half cents for a certificate; in all other cases, his fees shall be the same as those of a justice of the peace for such services. The chairman shall have jurisdiction of all sums at or under fifty dollars. Where the trustees are a party, he shall have power to issue warrants, render judgment and issue execution and order of sale for real and personal estate for taxes, to be executed by the marshal of said town. Non-residents' property, real and personal, may be sold for taxes, subject to redemption in three years, with twenty per cent interest per annum on debt, with costs thereon. The clerk shall report to the board the ground belonging to non-residents, who may, by resolution, order a

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sale, which resolution shall be signed by the clerk and chairman, a copy of which shall, by the marshal, be duly advertised, for thirty days, in some newspaper published in said town; after the expiration of the time advertised, on the return of the marshal that the taxes have not been paid, the chairman shall issue an order of sale, to be executed by the marshal, who is hereby authorized to convey to the purchaser the ground sold by him for debts and costs, subject to redemption as aforesaid.

Mode of selling it for taxes.

SEC. 6. *Be it further enacted,* That the chairman of the board of trustees shall require bond, with sufficient security, in adequate penalties, payable to the chairman and board of trustees, from the clerk, assessor, treasurer, marshal, market master and all other officers appointed by them to fill responsible offices. A lien shall be taken on the lands and slaves belonging to such officers and their sureties, from the time of the execution of said bonds, for all sums of money that shall come into their hands; they shall be liable to judgment from the Franklin circuit court in favour of the chairman and board of trustees, or any person entitled to money collected by them, in like manner as sheriffs are liable. In all suits against the chairman and board of trustees, a notice served upon the chairman shall be sufficient to authorize the court or justice to hear and determine such case. The clerk and all officers appointed by the chairman and board of trustees, shall have been citizens of said town at least six months next preceding their appointment to office.

Clerk and other officers to give bond.

A lien to be taken on land, &c.

Liable for money collected.

Service of process on chairman sufficient.

The officers to have resided in town 6 months previously.

SEC. 7. *Be it further enacted,* That after the clerk shall have been duly qualified, and given bond and security, it shall be his duty to preserve the books, papers, records and every thing belonging to the office, and the same to be delivered to his successor in office; he shall keep a regular journal of the proceedings of the board, with a regular account of all the fiscal concerns thereof; he shall file and preserve the poll book annually; he shall record all the acts, resolutions and orders of the board; he shall take all bonds, agreements, records, and preserve all contracts between the chairman and board of trustees and all other persons; he shall copy and sign all resolutions, orders, claims and allowances, when required to do so by persons having claims against the board; he shall file and preserve annually the assessor's book; he shall make out a fair list of the persons liable to pay tax,

Duties of the clerk.

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with the amount of their property and tax enlisted in alphabetical order, and place the same in the hands of the treasurer on or before the twentieth of June, annually; he shall file and preserve the report of the treasurer, of those persons who may have paid their tax, on or before the twentieth of July, annually; he shall make out, and place in the possession of the marshal, a list of the persons, with the property and tax remaining unpaid, on or before the twentieth of August, annually.

Assessor to be
appointed.
To give bond.
His duties.

Sec. 8. *Be it further enacted,* That the chairman and board of trustees, shall appoint annually, from amongst the citizens of said town, an assessor, who shall be qualified and give bond, with approved security, conditioned as required by the board of trustees, who shall call upon all the taxable persons in said town, and make out a true list of their taxable property, with the value thereof, which list shall be made upon the oath of the party, to be administered by the assessor. If any person or persons shall refuse to give a list of his or her property, or be absent; the assessor shall make out a list from the best information he can obtain; the assessor's list shall be taken so as to include all free white males over twenty-one years of age, all slaves with their value, all tavern keepers, grocers, coffee house keepers, victuallers, retailers of spirits, confectioners, with all other species of property, made taxable by the chairman and board of trustees under this act. The assessor shall, on or before the twentieth of April annually, complete and return the list so taken to the board of trustees, who shall give notice that any of the inhabitants, who may feel themselves aggrieved by the valuation of the assessor, may appear before them, at a stated meeting to be held for such purpose on or before the fifteenth day of May, in each year, with their evidence to show the true valuation of such property; the trustees, on proof being made to them, may change such valuation. The clerk shall record said list in a book to be kept for such purpose.

When to re-
turn his book.

Trustees may
change the va-
luation.

Treasurer to
give bond.

His duties.

Sec. 9. *Be it further enacted,* That the chairman and board of trustees shall qualify, and take bond and sufficient security from the treasurer, in any sum not less than two thousand dollars, or double the estimated tax and revenues of said town, conditioned to perform his duties, recoverable in the Franklin circuit court according to law. The treasurer shall receive and give receipts for all moneys paid or received; he shall

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receive and receipt for all moneys paid to the board of trustees; he shall keep a fair record of all the fiscal concerns of the board, and record in order the appropriations of said board, as certified to him by the clerk, and pay the same according to their order; he shall pay no money without receiving a copy of a resolution of the board of trustees, signed by the clerk, making such appropriation; he shall file all received by him for settlement, by resolution of the board; his books shall at all times be open to the inspection of persons having claims against the board, with reasonable notice. The clerk shall, on or before the first of June annually, take into possession a fair list of taxable property, with the amount payable from each person; the clerk shall advertise that a discount of eight per cent. will be allowed to each person, who shall pay their tax to said treasurer on or before the first day of August ensuing thereto; the treasurer shall be; and he is hereby authorized to receive and receipt to all persons, who may pay their tax within said time. The treasurer shall, on or before the tenth of August annually, report to the clerk a true list of the tax received by him, with a list of those persons whose tax remains unpaid at that time; the treasurer shall be allowed two and a half per cent. at least, for all moneys received and paid out by him, according to the provisions of this act; when required by the chairman or board of trustees, he shall attend and report to the board; and at all times be ready for settlement. The treasurer and all other officers shall be liable to be removed by resolution of the board of trustees, two thirds of all the board concurring therein. The clerk shall, on or before the twentieth day of August annually, place, in the possession of the marshal, a list of the taxable persons and property remaining unpaid, at such time for collection, according to the order of the board.

Sec: 10. *Be it further enacted*, That the chairman and board of trustees shall annually appoint a marshal, who shall be duly qualified and give bond and security, in a sum not less than three hundred dollars, to be received as the bond of the treasurer of the board of trustees; he shall have all the power and authority, within the town of Frankfort, to collect the town tax, as sheriffs have in collecting the county levy and state revenue, and in serving notices, warrants, executions and selling property under the judgments of said chairman and orders of said board; he and his securi-

Discount on taxes paid to the treasurer.

His commission for collection.

Officers may be removed.

Marshal to be appointed.

To give bond.

His duties.

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Liab to motion in circuit court.

A lien on the property of him and securities.

Further duties.

May have a deputy.

His fees.

May take replevin bonds.

Chairman to have control of market house. Market master to be appointed

ties shall be liable to the judgment of the Franklin circuit court, for failing to collect or pay over any sums of money put into his hands for collection, with ten per cent interest thereupon; a lien shall be taken upon the real estate and slaves of the marshal and his sureties, for all sums placed in his hands for collection; he shall serve all kinds of process and notices issuing from the board of trustees or from the chairman, within the town of Frankfort; he shall remove, or cause to be removed all nuisances at the expense of those who shall cause or leave such nuisance within the limits of said town, according to the rules and regulations of the board of trustees; he may have a deputy, by and with the consent of the chairman and board; he shall be responsible to the trustees for all the acts of such deputy; he shall, by himself or deputy, execute all the process issued by the chairman of the board, and return the same according to his direction; he shall be entitled to the same fees and per cent, for collecting the town tax, penalties and forfeitures, as sheriffs and constables are in like cases, where it is not otherwise provided for by this act, or by the order of the board; he shall be entitled to a fee of one dollar for serving a peace warrant; for serving a warrant for a rout, riot or breach of the peace, one dollar; for all warrants, where fines are to be assessed by a jury before the chairman, one dollar; for all penalties and forfeitures and debts, to be tried by the chairman, twenty-five cents; summoning a witness, twelve and a half cents; he shall be entitled to the same fees from the state, to be paid out of the treasury and county levy, for serving felony warrants, and warrants against slaves for misdemeanors, as constables are for like services. The marshal shall be authorized to take replevin bond, with security, payable to the board of trustees, for all penalties placed in his hands for collection; such bond shall run for three months, as in case of debts, returnable to the chairman, on which, when due, the chairman shall issue execution, with endorsement of no security to be taken.

SEC. 11. *Be it further enacted,* That the chairman and board of trustees shall have the control and care of the market house; they shall annually, at their first meeting, appoint a market master, who shall be duly qualified, and give bond and security, to be approved by the chairman and board of trustees, faithfully to perform the duties assigned him by the board; he shall

rent the stalls, license persons to sell meats and all other articles, under the direction of said board of trustees; the bonds, notes and accounts taken, shall be payable to the chairman and board of trustees; the bonds, notes and accounts shall be collected by the marshal before, and by judgment of the chairman, as other debts before a justice of the peace. The chairman and board of trustees shall have full power and authority to pass by-laws, rules and regulations, for the governing the market, not contrary to the constitution of the United States, or of the constitution of Kentucky; they may inflict fines and penalties to enforce the same, in any sum not exceeding ten dollars for any offence, recoverable before the chairman, or any justice of the peace for said county.

SEC. 12. *Be it further enacted,* That the chairman and board of trustees shall be authorized annually to make a reasonable appropriation for the payment of the officers of the board of trustees; they shall have power and authority to receive and hold real and personal estate by purchase, devise, bequest or donation for the purpose of establishing school houses for males or females in said town, and on their application to invest the same, together with the rents and proceeds thereof, at their discretion, into a college or seminary of learning. They shall have the power and authority to make rules and regulations for the good government of such schools, by appointing officers and trustees, who may employ teachers and superintendents to manage the same, for the general welfare of the citizens of said town. They shall have power and authority to purchase a burying ground, within Franklin county, not more than five acres, and to be within two miles of the limits of Frankfort, to be deeded to the trustees of Frankfort. They shall have power to appoint proper persons to take charge of, and protect such ground, under their control and direction. They shall have power and authority to establish a fire company in said town; to appoint and confirm the officers selected by said company, and to confirm all their by-laws, rules and regulations for the government thereof. They shall have power to buy fire engines, build engine houses, and appoint proper persons to preserve and take care of the same. They shall have power and authority to impose fines and penalties for the enforcement of the by-laws of the said fire company, in a sum not exceeding ten dollars for any one

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His duties.

By-laws concerning market to be passed.

Compensation to officers.

May hold real estate and establish schools.

To purchase a burying ground

To establish a fire company.

And purchase engines.

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To erect watch
& work houses.

offence, to be recovered before the chairman of the board of trustees, or a justice of the peace in said county. They shall have power and authority to establish a watch house and work house, and appoint watchmen and other officers to superintend such houses, and apprehend offenders and take them before the chairman, to be dealt with according to the by-laws of said town.

Levy on real
and personal
estate.

Sec. 13. *Be it further enacted*, That the chairman and board of trustees shall have power and authority to assess, levy and collect a tax on all real and personal estate within the limits of said town, not to exceed thirty cents on the hundred dollars worth of property, or double the amount paid as revenue to the state upon the same. They shall have power to levy and collect

Also a poll tax.

a poll tax, not exceeding one dollar and fifty cents, on all free male persons in said town over the age of twenty-one years. They shall have the right to tax stores,

To tax stores,
taverns, &c.

taverns, grocers and retailers of spirituous liquors, not to exceed double the amount they pay as revenue to the state; they shall have the right to tax victuallers,

To license ta-
vern, &c.

coffee or exchange houses, confectioners and retailers of wares and merchandize, and to grant licences to taverns, grocers, retailers of spirituous or malt liquors, victuallers, coffee houses, exchanges and confectioners; they shall have the power to tax all kinds of domestic animals within said town. They may tax all

To tax shows
and performers

theatrical performers, shows and exhibitions of all kinds, in any sum not exceeding ten dollars for such exhibition on any one day; they shall have power to

To pass by-
laws.

pass by-laws and ordinances for the enforcement of the powers granted by this act, by inflicting adequate penalties for the enforcement of the same; the clerk may issue license for taverns, grocers, retailers of spirituous or malt liquors, victuallers, coffee houses, exchanges, theatrical performances, shows and all kinds of exhibitions, upon the application for the same, showing at the same time a receipt signed by the treasurer or marshal, for the sum levied by the chairman and board of trustees, and that such sum had been paid. They shall have power and authority to tax all auctioneers,

To tax auc-
tions, &c.

in a sum not exceeding three per cent, for all goods, wares, merchandize and articles sold to bidders within said town, except property sold by citizens, of their own manufactory, sold by order of court, or by ex-

To license
drays, &c.

ecutors, administrators or guardians; they shall have power to license drays, wagons, carts, hacks and coach-

es, plying in said town for hire; they shall have a lien on all real and personal estate within said town until the taxes are paid; all such property shall be liable to be sold, or so much thereof as will pay such tax and costs of sale according to this act, and the order of the board. The chairman and board of trustees may lay and levy the taxes for the current year at the first meeting after the assessor shall return his list of the estimates laid before them by the chairman for the well government of the town; they shall have power and authority to establish free schools in said town, and to receive donations for such purposes, and govern the same under such rules and regulations as they may establish; they shall have power and authority to impose fines and penalties on persons for profane swearing, drunkenness, and all improper and indecent conduct, in any sum not exceeding ten dollars for every such offence. They shall have power and authority to clear the streets, alleys and passways from all obstructions, and remove nuisances by imposing fines and penalties for such offences within said town; they shall have power and authority to sink cisterns and wells, and erect pumps and keep open all springs in said town, and keep them in repair, and to declare them free by a jury before the chairman, if in their opinion the welfare of the citizens of said town require it. They shall have power and authority to preserve and protect free from incumbrance all the public ground and improvements belonging to the public in said town; they shall have power and authority to receive conveyances from owners of ground within said town, for the purpose of extending the streets and alleys therein. The chairman and board of trustees shall have power and authority to cause the streets and alleys, with the sidewalks in said town, to be paved or turnpiked at the costs and expense of the owners of the grounds fronting such street, alley or sidewalk. When a majority of the owners of the ground residing upon such street, alley or sidewalk, shall petition to the chairman and board of trustees to pave, grade or turnpike such street or alley, or when the owners of the most of the ground fronting upon such street or alley shall in like manner petition the chairman and board of trustees, shall, by resolution order such work to be done in the way and manner they may direct; they shall cause the paving of any street or alley to be finished when the owner or owners of lots on such streets or alleys, shall have fin-

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Lien on property for taxes.

Taxes, when paid.

Free school may be established.

Fine for drunkenness and profane swearing.

To clear the streets & alleys

To sink wells, &c.

To protect the public ground.

To cause the streets and alleys to be paved, &c.

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To have nuisances removed.

To have a lien on lots to pay for improvements.

To establish a house for vagrants, rioters, &c.

To be compelled to labor.

How vagrants to be tried.

Persons fined may be confined until the fine is discharged.

ished the one equal half of the street adjoining their grounds and opposite thereto; they shall have power and authority to cause the owners of private alleys, stables, lots and pens, to have them cleaned when they shall become filthy and considered as a nuisance by the chairman and board of trustees by imposing fines and penalties, not exceeding ten dollars for each offence. The trustees shall hold a lien upon such ground as fronts the pavements ordered to be made by them for the payment of such improvements; they shall have power to order the collection of the same by the sale of such ground, or so much thereof as will satisfy the claim, with costs, subject to be redeemed in three years, with interest at twenty per cent annually, to the purchaser or his assigns, from the original owner or his assigns, who did not petition for such improvements: *Provided*, That infants shall have two years after they arrive at twenty-one years of age, on the like terms to redeem their grounds. They shall have power and authority to establish a house to confine common mendicants, vagrants, and all persons who may be confined by the justices of the peace or chairman of the board of trustees, or by a jury within said town, for breaches of the peace, riots, routs and unlawful assemblies, or any other offences against the by-laws and ordinances of the said chairman and board of trustees, to be employed in labor as they may be directed, under the care and management of a person or persons appointed by said board; persons committed shall be sent there by warrants, stating the time for which they were condemned, to be discharged by the chairman, or governor of this commonwealth, if in either of their opinions, the time of their confinement should be shortened. They shall have power and authority to appoint officers to superintend the same, in a way not contrary to the constitution of the United States or of the state of Kentucky.

SEC. 14. *Be it further enacted*, That the chairman of said board of trustees shall have power to try all vagrants within said town, by causing a jury to be impanelled, and tried as in the circuit courts, who, if convicted, shall be sentenced to labour in said house for a period not more than six months, nor less than three months, to be ascertained by said jury. All persons convicted for any of the aforementioned offences against the by-laws and ordinances of said town, and failing or refusing to pay or replevy the fines in-

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flicted, may be confined in the work house of said town at labour, until such fines are discharged, as may be assessed by a jury, not to be over fifty cents per day, instead of being confined in jail. It shall be the special duty of the chairman and each trustee, and every officer of the board, to notify the marshal of all slaves found in said town hiring their own time, with the consent or permission of their master or owner; it shall be the duty of the marshal, with a warrant, to bring such person or persons before the chairman, who shall, upon proof before him that such slave was hiring their own time, sentence such slave to three months' confinement in the jail or work house, with costs to be paid by the owner of such slaves, to be relieved by the owners paying the trustees a full equivalent for the time for which said slave was condemned. They shall have power to impose fines for disturbing religious worship, breaches of the peace, riots, routs, unlawful assemblies, and all the offences against the by-laws and ordinances of the chairman and board of trustees, to be appropriated by said board for the use of the town.

Slaves not permitted to hire their own time.

May be confined in work-house.

Fines for disturbing worship, &c.

SEC. 15. *Be it further enacted*, That the board of trustees shall have power to control and confine free people of colour within the jail or work house, whether male or female, for breaches of the by-laws and ordinances of said board, when they fail or refuse to pay the fines and penalties, in such case, for a term of not more than six months for each offence; they shall have power and authority to impose fines not exceeding ten dollars, on any person who shall be guilty of selling or permitting to be sold, directly or indirectly, or giving to a slave within said town, spirituous liquors, without a written permit or leave from the owner. The clerk of said board of trustees shall annually report and publish an account of all moneys received by the said board, with an account of all appropriations; he shall, on or before the first day of October annually, place such list in the market house for three market days, or publish such report in a newspaper printed in said town.

Free people of color may be confined in the workhouse.

Fine for selling liquors to slaves.

Account current of expenses, &c. to be published annually.

SEC. 16. *Be it further enacted*, That upon the organization and qualification of said chairman and board of trustees, it shall be the duty of the present board of trustees of said town, to surrender the books, papers and all other things pertaining to said board, and belonging to said town, to the said chairman and

Present trustees to deliver over papers, &c

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To confirm all
the acts of the
former trustees.

board of trustees, who shall have power and authority to confirm the acts of their predecessors, and direct conveyances to be made of real estate sold under resolutions of their predecessors to the purchasers thereof.

Repealing
clause.

SEC. 17. *Be it further enacted*, That all acts and parts of acts concerning the town of Frankfort, and being within the purview of this act, be, and the same is hereby repealed; and this act shall be in force from and after the chairman and board of trustees shall be elected.

[Approved February 28, 1835.]

CHAP. 881.—AN ACT supplemental to an act to reduce the number of Justices of the Peace and Constables, for Logan County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the three constables in the town of Russellville, shall continue in office until the bonds of each expire, and then, according to law, the county court shall elect but two for said town.

[Approved February 28, 1835.]

CHAP. 882.—AN ACT to incorporate the Carlisle, Flemingsburg and Greenupsburg Turnpike Road Company.

Company in-
corporated.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company shall be, and the same is hereby formed for the purpose of making a dirt turnpike, on the Virginia plan, from such point on the Maysville, Washington, Paris and Lexington turnpike road, as the commissioners hereinafter named, or a majority of them shall think proper, to the mouth of Big Sandy by the way of Carlisle, Flemingsburg and Greenupsburg, under the name and style of the president, directors and company of the Carlisle, Flemingsburg and Greenupsburg Turnpike Road.

Capital stock.

SEC. 2. *Be it further enacted*, That the capital stock in said company shall be fifty thousand dollars, divided into shares of one hundred dollars each.

Books, when &
where to be o-
pened.

SEC. 3. *Be it further enacted*, That books for the subscription in the stock of said company, shall be opened on the first Monday of July, 1835, unless the

commissioners hereafter appointed, shall fix on an earlier day, at Carlisle, Mt. Carmel, Clarksburg and Greenupsburg, under the direction of the commissioners hereafter named, that is, at Carlisle, under the direction of Thomas M. Chevis, Lewis H. Arnold, John S. Morgan and John G. Parks; at Flemingsburgh, under the direction of Daniel Morgan, L. W. Andrews, Samuel Stockwell, Jacob D. Early, James Crawford and Dorsey K. Stockton; at Mt. Carmel, under the direction of John B. Clarke, Obed P. Nute, Martin P. Marshall, Abraham Magowen and Lewis Browning; at Clarksburg, under the direction of William B. Parker, Frederick R. Singleton, Archibald Frizzle, Simon Truett and Pleasant Savage; at Greenupsburg, under the direction of Robert Stockton, John Koons, John Pogue, Bazzle Warren, jr. Samuel Seaton and John Hollingsworth. The commissioners named at each of the foregoing places, or any three of them, shall procure one or more books, and in each of them, enter as follows: "We, whose names are hereunto subscribed, do promise to pay to the president, directors and company, of the Carlisle, Flemingsburg and Greenupsburg Turnpike Road Company, the sum of one hundred dollars for every share of stock in said company, set opposite our respective names, in such manner and in such proportions, and at such times as shall be determined on by the president and directors of said company, and agreeably to an act of assembly of the commonwealth of Kentucky incorporating said company. Witness our hands this — day of —, in the year —." The said commissioners shall give notice in one or more of the newspapers printed in Maysville, Flemingsburg and Paris, one month, of the time and place at which books will be opened to receive subscriptions for stock in said company, at which times and places some one or more of the commissioners above named at each place shall attend, and permit all persons of lawful age, bodies corporate and politic, who shall offer to subscribe, in said books, in their own names, or that of any other person who shall duly authorize the same, any number of shares in the said stock; the said books shall be kept open for the purpose aforesaid by adjournment, from place to place, and from time to time, until the whole number of shares shall have been subscribed, of which adjournment, the said commissioners shall give such notices as the occasion may

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Com'rs. at the
several places.

Form of sub-
scription.

Notice to be
given.

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What calls on
stock may be
made.

When compa-
ny may be or-
ganized.

Officers to be
elected.

The company
when organized
declared a body
politic.

Their powers.

require: *Provided*, That the president and directors of said company, shall not have power to call in more of said stock than ten dollars on each share, in any sixty days.

SEC. 4. *Be it further enacted*, That when one hundred and fifty shares of said stock shall have been taken, the commissioners shall give thirty days' notice in one or more of the newspapers before named, that the number of shares required by the act of incorporation, to organize the company, have been subscribed, and that an election will be held at Carlisle, Flemingsburg or Greenupsburg, as the commissioners may determine, to choose by a majority of the votes of the subscribers by ballot, to be delivered in person or by proxy, duly authorized, a president and ten directors, a treasurer, and such other officers as they may think necessary to conduct the business of said company for one year, or until other such officers shall be elected.

SEC. 5. *Be it further enacted*, That when the company shall be thus organized, they shall be, and are hereby declared a body politic and corporate, in deed and in law, by the name and title of the Carlisle, Flemingsburg and Greenupsburg Turnpike Road, and by the said name, the said subscribers shall have perpetual succession, and the privileges and franchises incident to a corporation, and shall be capable of taking and holding the said capital stock, and the increase and profits thereof; of enlarging the same from time to time, by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act, and of purchasing, taking and holding to them and their successors and assigns, and also of selling and transferring and conveying, in fee simple, all such lands, tenements and hereditaments, and estate real and personal, as shall be necessary to them in the prosecution of their works; and of suing and being sued, impleading and being impleaded, answering and being answered, defending and being defended, in courts of record or any other place whatever; and also to make, have and use a common seal, and the same to break, alter and renew at pleasure; to make such by-laws and regulations, not inconsistent with the laws and constitution of this commonwealth and of the United States, as shall be necessary for the well ordering the affairs of said company, and to do all and every other matter

and thing which a corporation or body politic may lawfully do.

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SEC. 6. *Be it further enacted*, That the whole width of said road shall be fifty feet, the graded part whereof shall be, at all places where the ground will admit of it, at least thirty feet in width, and the thrown up part at least twenty-two feet, with an elevation in the centre sufficient to prevent the water from lying on the same, and a sufficient ditch on either side, to conduct the water off.

Width of the road.

SEC. 7. *Be it further enacted*, That all the provisions from the fifth to the twenty-eighth section inclusive, of an act, entitled an act to incorporate a company to establish a turnpike road from the city of Louisville by the mouth of Salt river, Elizabethtown, Munfordsville and Bowlinggreen, to the state line, in a direction to Nashville, approved February the second, eighteen hundred and thirty-three, except so far as is provided for in this act, or may come in collision with the provisions of the same, and so far as the same are applicable to the object and intent hereof, be, and they are hereby adopted and enacted as part of this act, and all the rules for the government of said corporation, from the fifth to the twenty-eighth section of said recited act, not inconsistent herewith, are hereby adopted for the regulation and government of the Carlisle, Flemingsburg and Greenupsburg Turnpike Company, except that the elevation of said road, when graded, shall not exceed three degrees, and that the gates shall not be erected within less than ten miles of each other.

Parts of the charter for a road from Louisville adopted.

Grade of the road.

And whereas, it appears that an act, entitled an act to improve the road from Carlisle to Flemingsburg, &c. to the mouth of Big Sandy river, approved February 22, 1834, cannot be advantageously carried into effect, without so amending it as to divide the amount of capital stock therein specified into four equal parts, and allowing to each of the counties through which the said road passes, the one fourth part thereof on the condition hereinafter stated: Therefore,

Recital.

SEC. 8. *Be it further enacted*, That the third section of the act last above recited, be, and the same is hereby repealed.

Third section of a former act repealed.

SEC. 9. *Be it further enacted*, That the commissioners herein before named, for each of the counties of Nicholas, Fleming, Lewis and Greenup, shall also be commissioners to carry this amendatory act into effect,

Former commissioners to carry amendatory act into effect.

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To open books
and to receive
subscriptions.

State to take
stock.

When indi-
vidual stock-
holders have
paid, state to
pay her pro-
portion.

Repealing
clause.

Proviso.

Further pro-
viso as to des-
ignating the
point where the
repairs are to
be made.

and for that purpose, shall open books in their respective counties, at the court houses thereof, and at such other places as they may think advisable, and shall keep said books open as long as they may think proper, to receive subscriptions of money, or labor at fifty cents per day, to be applied in the construction and repair of such said road, as may lie within their counties respectively; and so soon as the sum of two hundred and fifty dollars shall be subscribed for the benefit of the road so lying within any one of the counties aforesaid, the said commissioners, for the county so subscribing, shall forthwith certify the same to the governor, who shall thereupon subscribe, on the part of the commonwealth, the sum of one thousand dollars, to be laid out in making and repairing so much of the road as may lie within the county wherein the said sum of two hundred and fifty dollars has been subscribed on the part of individuals.

SEC. 10. *Be it further enacted*, That whenever the amount subscribed by individuals, or any part thereof, shall be paid in money or labor as aforesaid, it shall be the duty of the commissioners to certify the same to the governor, who shall thereupon direct the auditor to issue his warrant on the treasury for four times the amount subscribed and paid by the individual stockholders, in favor of said commissioners, not exceeding one thousand dollars to any one of the counties aforesaid.

SEC. 11. *Be it further enacted*, That so much of the aforesaid act, entitled, "an act to improve the road from Carlisle to Flemingsburg, &c. to the mouth of Big Sandy river," as may not be applicable hereunto, or may come into conflict with the provisions hereof, shall be, and the same is hereby repealed; and that nothing herein contained, from the eighth to the last section of this act, shall be so construed, as to interfere with the provisions of the first seven sections of the same, should the funds therein authorized to be subscribed, and paid, be obtained and applied according to the true meaning and intent thereof.

SEC. 12. *Be it further enacted*, That in the event of failure, on the part of the commissioners named in the third section of this act, to obtain subscriptions for the purpose of carrying on the work, as therein contemplated, then and in that event, the commissioners for the county of Nicholas, shall designate the point, on the Maysville turnpike, at which the road, by them

to be repaired, shall intersect the same, any law to the contrary notwithstanding.

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[Approved February 28, 1835.]

CHAP. 883—AN ACT supplemental to the act establishing the Northern Bank of Kentucky.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That no person shall be eligible to the office of director, in the principal bank, who is not the owner of at least ten shares of stock, in his own right, nor shall any one be eligible as director of any branch of said bank, unless he is the owner of at least five shares of the stock of said bank, in his own right.

Who may be eligible as a director of said bank or branches.

SEC. 2. *Be it further enacted,* That it shall not be lawful for the president, or any of the directors of the principal bank, or branches, to become bound, as security or accommodation endorser, on any note or bill discounted in said bank, and a violation of any of the provisions of this section, or of the eighteenth section of the act to which this is a supplement, shall subject the person violating the same, to a penalty of five thousand dollars, to be recovered by action of debt in the name of the corporation, and for their use and benefit.

President or directors not permitted to be an endorser of any accommodation note discounted.

Penalty for so doing.

SEC. 3. *Be it further enacted,* That the president and directors of the principal bank, shall cause their cashier to make quarterly reports, on the first day of January, April, July, and October, in alphabetical order, of all the debts due said bank, setting out the amount due by each individual, with the names of the endorsers, and a note of the other security, the date of the notes or bills, and when payable, and they shall cause the cashier of the branches to make a like complete memorandum, in alphabetical order, of all the debts due at the several branches, by each individual with the name of the endorsers and other security, and the date of the notes and bills, and when payable, one copy of which shall be retained at the branch, another copy shall be transmitted to the principal bank, and these memorandums shall, at all times, be open to the examination of the president and directors of the principal bank and branches.

Quarterly reports to be made of debts due to the said bank and the branches.

SEC. 4. *Be it further enacted,* That said bank shall not make any loan of money or discount any note, or

No loans of money to be made on pledge of stock.

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Stockholders bound to pay their notes as other individuals.

All real estate received in the payment of the debts, or purchased under execution order, to be resold within five years under the penalty of forfeiture.

Books for the subscription of stock to be opened at the points selected for the establishment of the branches.

Restriction of the amount of stock which may be held by one individual or company, &c.

The branches, when to be located.

What proportion of the capital may be used in bank and branches respectively.

bill on the pledge of the stock of said bank in no case whatever; and no stockholder shall be allowed to pay any debt he may owe the bank, by the surrender of the stock of the bank, until all the notes of the bank shall have been redeemed, and all the debts of the bank paid; and stockholders who shall become indebted to the bank, shall be compelled to pay their debts, in all respects, as other persons dealing with the bank, nor shall any stockholder be allowed to make payment of the shares of stock held by him, by means of a loan or loans obtained from said bank.

SEC. 5. *Be it further enacted*, That the real estate purchased by said bank under judgments or decrees in its favor, or under judgments or decrees of others, where it shall be necessary to purchase the estate in order to secure the payment of some debt due the bank, and the real estate taken in payment of debts due the bank, shall be sold within five years next after the estate shall have been fully acquired, and the possession taken or recovered, and on their failure to sell the estate within five years, the same shall be vested in the commonwealth without office found.

SEC. 6. *Be it further enacted*, That it shall be the duty of the president and directors of said bank, if the whole stock shall not be sold before the organization of the principal bank, to cause books to be opened at some suitable place or places in that section of the state where they are about to establish a branch, and allow to the subscribers of stock at those places, the like terms, as though they had been original subscribers.

SEC. 7. That no individual company or corporation shall be allowed to hold more than one thousand shares of the capital stock of said bank, either in their own names, or in the name of others in trust for them; and so much of the thirty-seventh section of the act to which this is a supplement, as allows any individual, company or corporation to hold two thousand shares of the capital stock is hereby repealed.

SEC. 8. That it shall be the duty of the president and directors of said bank, to locate the branches so soon as the subscriptions and payment of the stock will justify their doing so.

SEC. 9. *Be it further enacted*, That said president and directors, after employing one million of the capital stock of said bank, to the establishment of the branches, it shall be lawful for the said president and directors, to employ one half of the residue of said

capital stock in the principal bank, any thing in the eleventh section of the act to which this is a supplement, to the contrary notwithstanding. The legislature reserve the right to enforce the establishment of the branches, upon the terms, and in the manner prescribed by the act to which this is a supplement.

SEC. 10. The president and directors, after the third instalment is paid, shall call in the residue of said stock, so as not to give a longer time between the calls than six months.

SEC. 11. That in addition to the commissioners heretofore named, the following persons shall be added as commissioners, to-wit: Madison C. Johnson, Robert Wickliffe, Benjamin Taylor, Thomas Smith, John Norton, and Daniel Bradford.

SEC. 12. *Be it further enacted*, That all, and every part of the act to which this is a supplement, which is inconsistent with the provisions of this act, be, and the same is hereby repealed.

[Approved February 28, 1835.]

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General assembly reserves the right to enforce the establishment of the branches.

Calls for the payment of the stock, how to be regulated.

Additional com'rs. appointed.

Repealing clause.

CHAP. 884.—AN ACT to reduce the number of Justices of the Peace in Caldwell County, and for other purposes.

Whereas, it is represented to the General Assembly of the Commonwealth of Kentucky, that a large district in the county of Caldwell, is without a Justice of the Peace, owing to the decease of Samuel Asher, Esq. late a Justice of the Peace in said County, whose vacancy has been filled by the appointment of an individual living without the district: therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there be one additional justice of the peace allowed to the county of Caldwell.

SEC. 2. *Be it further enacted*, That it shall not be lawful for the county court of Caldwell county, to recommend or nominate any person, for the office of justice of the peace, from and after the first day of June next, until the number of justices of the peace in said county, shall be reduced below the number of fifteen, which shall be the whole number of justices of the peace to which said county shall be entitled, after said reduction has taken place.

SEC. 3. *Be it further enacted*, That there be an election precinct established at Midway, in the county

Preamble.

An additional justice allowed.

Number hereafter to be reduced.

Election precinct in Caldwell.

1835 of Caldwell, subject to the laws now in force regulating elections.

Tradewater
declared navi-
gable.

Sec. 4. *Be it further enacted*, That all that part of Dolonson's fork of Trade Water, below the mills of Allen Pierce, on said stream, to its junction with Trade Water river, be, and the same is declared a navigable stream: and,

Preamble.

Whereas the trustees of the town of Princeton, in the county of Caldwell, have sold certain lots therein, and whereas doubts are entertained, as to the power of the said trustees to pass the legal title of said lots, to the purchaser or purchasers thereof: therefore,

Deeds of trust-
tees valid.

Sec. 5. *Be it further enacted*, That all deeds heretofore made by the trustees aforesaid, or which may hereafter be executed by them, to any purchaser or purchasers, of lots in the said town of Princeton, shall be as effectual to pass the legal title, as if the power to sell and convey said lots had been originally vested in said trustees.

[Approved February 28, 1835.]

CHAP. 885.—AN ACT authorizing the County Court of Bracken to settle with the Sheriff of said County for road tax in his hands.

Whereas, it is represented to the General Assembly of the Commonwealth of Kentucky, that a law, passed January twenty-ninth, one thousand eight hundred and thirty, authorizing certain counties to work their roads upon the principle of taxation, and among others, Bracken county: and, whereas, at the last session of the General Assembly, the law was repealed so far as it related to Bracken county, without making any provision for the sheriff of said county to pay over the taxes collected, and remaining in his hands: wherefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county court of Bracken be, and the same is hereby authorized and empowered, to cause the sheriff of said county to be notified to appear before said court, and render an account of all moneys in his hands, collected, and accounts to be collected, as and for road tax in said county, and cause the same to be paid over to said court; and when so accounted and paid over, it shall be the duty of said court, after allowing the road commissioners, under the above recited act, all accounts that may be due

them for services rendered under said act, to apply the residue, if any there should be, to the working of the public roads of said county.

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[Approved February 28, 1835.]

CHAP. 886.—AN ACT to prohibit the circulation, within this Commonwealth, of Bank Notes of a less denomination than five dollars.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after one year from the passage of this act, it shall be unlawful for any person or persons, or body corporate, to pass or circulate, or to cause to be passed or circulated, any bill or note of a denomination less than five dollars, which may have been, or may hereafter be issued by any bank incorporated or unincorporated, or by any private banker or bankers, or to receive, or cause to be received, any such notes or bills, in payment of any debt or demand whatever, and payments made in such notes or bills, shall not be deemed or held as a discharge of the debt or demand upon which they may be made, or of any part thereof; but the said debt or demand shall still be recoverable against the person paying the said notes or bills: *Provided*, That the above prohibition shall not be construed to extend to the notes of the Bank of Kentucky and its branches, and to the notes of the Bank of the Commonwealth and its branches.

Notes not to
be circulated.

Provide.

SEC. 2. *Be it further enacted*, That any person or persons, or body corporate, offending against the provisions of this act, by passing, circulating, or receiving, or causing to be passed, circulated, or received, any of the notes or bills prohibited in the foregoing section, shall, for every such offence, forfeit and pay the sum of ten dollars, recoverable before any justice of the peace of this commonwealth, upon warrant, to be issued by him at the request of any person, in the name of such person, and the said justice shall render judgment, at the rate of ten dollars for every note or bill, of the above description, proven to have been passed, circulated, or received, or caused to be so passed, circulated or received by the defendant, one half of the amount so recovered shall be paid to the prosecutor, and the other half to the clerk of the county wherein the judgment shall be rendered, to be applied in the reduction of the county levy.

Penalty.

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SEC. 3. *Be it further enacted*, That the counties of Campbell and Bracken shall be, and the same are hereby excepted from the operation of this act.

[Approved February 28, 1835.]

CHAP. 887.—AN ACT to establish the Town of Landing, in Boone County.

Town established and trustees appointed.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the town of Landing, in the county of Boone, be, and the same is hereby established, upon the plan laid out by Joel Hamilton and George McGlasson, a plat of the same is hereby directed to be recorded in the clerk's office of the Boone county court, and William Winston, jr. George McGlasson, Joel Hamilton, Henry L. Ross, and James Dakan, be, and they are hereby appointed trustees for said town, who, as well as their successors, shall have the same power and authority, and shall perform the same duties as are given and imposed by the general laws of this commonwealth, in relation to trustees of towns.

Election of trustees.

SEC. 2. *Be it further enacted*, That said trustees shall remain in office until the second Monday in March, one thousand eight hundred and thirty-six, on which day, and on the second Monday in March in each succeeding year, the free male inhabitants of said town, of the age of twenty-one and upwards, shall meet at such place as may be designated by the trustees, in said town, and choose by vote, *viva voce*, five fit persons for trustees, to serve for one year, and until their successors are duly elected.

Town clerk, and his duties.

SEC. 3. *Be it further enacted*, That the said trustees shall appoint a town clerk, who shall continue in office until the election succeeding his appointment, and in like manner, each new board of trustees, shall appoint a clerk, to serve for the same term, removable at pleasure, whose duty it shall be to keep a fair record of the proceedings of the trustees, and to give public notice, by advertisement in said town, at least ten days previous to any election for trustees, and he shall, together with any two of the trustees, or the nearest justice of the peace, conduct all elections, and declare the persons elected, and make record of the same.

Election of trustees.

SEC. 4. *Be it further enacted*, That if the citizens of said town, shall, at any time hereafter, fail to have

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an election on the day appointed in this act, that then, and in that case, the clerk or any trustees may, upon giving ten days notice, in said town, have an election held for trustees, which shall be as legal as though it had taken place on the day herein appointed.

SEC. 5. *Be it further enacted*, That the trustees herein appointed, and their successors in office, a majority of them concurring therein, shall have full power to pass all laws, or by-laws, which they may, from time to time, think advisable, for the government of said town, which are not inconsistent with the general laws of this commonwealth, in relation to county towns.

Powers of the trustees.

SEC. 6. *Be it further enacted*, That the county court of Boone, may appoint one additional constable for said county, to reside in said town or its vicinity.

Town constable.

[Approved February 28, 1835.]

CHAP. 888.—AN ACT to establish the Richmond Fire Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Thomas C. Howard, William McClanahan, William Holloway, David J. Rowland, William Jones, Joseph Turner, Joel J. Walker, Thomas C. Davis, Oliver C. Steele, Dudley Webster and their associates shall be, and they are hereby created a body politic and corporate, by the name and style of the Richmond Fire Company, and as such, shall have perpetual succession, and be capable in law of contracting and being contracted with, of suing and being sued, pleading and being impleaded, in any action or suit, and in any court whatever; and they may have and use a common seal, and change the same at pleasure.

Incorporated.

SEC. 2. They may have right to purchase, take and hold a fire engine and hose, and the necessary apparatus and tools for the use and repair of the same, and the same to sell and convey, and to purchase other engines; and it shall be their duty to organize themselves as a fire company, and keep an engine in good order and repair, and use the same, and all diligence and power for the extinguishment of fire; and they shall do and transact no other business than what belongs to a fire engine and hose company.

Corporate powers.

SEC. 3. That it shall be lawful for said company to make all needful rules and by-laws, with adequate penalties for the government of the company, and the

By-laws.

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preservation of the property of the same that they may deem proper, not contrary to the laws of this state or the United States.

Officers.

SEC. 4. That the management of the property of said company, and its government shall be under the direction of a president, vice president and six directors, chosen at such time and place, and by such persons as the by-laws of the company shall direct, and they may have a secretary and treasurer, and keep a record of their proceedings; that the members of this company, to the number of fifty, shall be exempt from militia duty, except in time of war.

Exempt from militia duty.

[Approved February 28, 1835.]

CHAP. 889.—AN ACT to establish the Bowlinggreen Water Company.

Incorporated.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That James R. Skiles, M. W. Henry, Thomas Quigby, John Marshall, Richard Curd and T. C. Marshall, and their associates, shall be, and they are hereby created and made a body politic and corporate, for the purpose of supplying the town of Bowlinggreen with good, pure and wholesome water, under the name and style of the Bowlinggreen Water Company, and by that name and style shall have power to contract and be contracted with, to sue and be sued, in all courts of law and equity in this commonwealth and elsewhere, as if said corporation were a natural person; and to purchase, hold and enjoy all such real and personal estate, as will be necessary for said company in carrying into execution and maintaining their waterworks, and to make all needful rules and by-laws for the management and control of the financial and prudential concerns of said corporation, not contrary to the constitution and laws of this state or of the United States; also to have perpetual succession, and a common seal, and change, alter or renew the same at pleasure.

Powers of the corporation.

Capital stock.

SEC. 2. The capital stock of the Bowlinggreen water company shall be ten thousand dollars, divided into shares of ten dollars each, and the shares shall be personal estate, and shall be transferable in person or by attorney in such manner as said corporation shall, by their by-laws direct, and shall be paid at such time and in such manner as the corporation shall require.

Sec. 3. The management of the affairs and prudential concerns of said corporation shall be under the control of a president and four managers, who shall be stockholders, and elected by the stockholders for such time and in such manner, and at such place as the by-laws of the company shall direct.

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President and managers.

Sec. 4. That said corporators, or any three of them, shall have power to open books for the subscription of stock in said company, at such time and place as they may direct; and whenever three thousand dollars shall be subscribed they may close the books, and give reasonable notice, and call a meeting of the stockholders, who shall choose a president and four managers to transact the business of the corporation; and a president and four managers shall be elected annually on the first Monday in May, unless the by-laws should otherwise direct, and the president and managers shall continue in office until their successors shall be chosen.

Stock to be subscribed.

Meeting of the stockholders.

Time of election of president and managers.

Sec. 5. The trustees of Bowlinggreen may take any amount of the stock, not exceeding a moiety, and shall vote on their stock as other stockholders. The first fifty shares shall entitle the holder to one vote, and every five shares over fifty shall entitle the holder to one vote; they shall keep a record of their proceedings, and make an annual statement of the affairs of the company, and lay the same before the stockholders.

Trustees of Bowlinggreen may subscribe for stock. Votes on stock.

[Approved February 28, 1835.]

CHAP. 890.—AN ACT to amend an act, entitled an act for the improvement of the road from Franklin County to Crab Orchard, in Lincoln County.

Whereas doubts have arisen, whether under the above recited act, the several boards of internal improvement for the counties of Franklin, Anderson, Mercer and Lincoln, can receive, by subscription or otherwise, a sufficient amount of stock to complete said road through their respective counties: wherefore,

Recital.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the several boards of internal improvement for the counties aforesaid, are hereby authorized to open books for an additional subscription of stock, for the completion of said road in their respective counties, and to continue said books open from time to time, until they procure a sufficient amount of stock to complete the making of said road.

Stock may be increased by the boards.

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Relinquish-
ments of ground
may be obtain-
ed.

To be condem-
ned if necessary

Fines for inju-
ring road, sign
posts, &c.

Certain sec-
tions relating to
the Shelby road
adopted.

Who exempt
from toll.

Additional
com'rs in Mer-
cer.

The several
corporations
bound by the
contracts of
their boards.

Sec. 2. *Be it further enacted,* That it shall be the duty of the commissioners in the counties aforesaid, to procure, by relinquishment, from those through whose lands said road may pass, a sufficiency of ground, for the site of said road, to be at least fifty feet in width, and not more than sixty; and when the owner or owners refuse to relinquish said ground, said commissioners shall have authority to cause the condemnation thereof, as prescribed in the original act; it shall also be the duty of said commissioners in laying off said road, to avoid circuitry in the route as much as possible.

Sec. 3. *Be it further enacted,* That the several boards of internal improvement in the counties aforesaid, shall have full power and authority to sue and recover damages from any person or persons, who shall in any way damage or injure said road, by defacing the sign posts, tearing up the stone, turning water so as to wash away any part thereof, or who shall feed stock thereon, and all damages so recovered, shall go to the benefit of the company, where the same has taken place,

Sec. 4. *Be it further enacted,* That the 22d, 23d and 24th sections of the act to amend and reduce into one the several acts constituting boards of internal improvement for Shelby and Franklin counties, approved Feb. 8, 1834, shall be considered, and are hereby declared a part of this act, in as full and ample a manner as if the same was herein set forth at full length, so far as the said sections are applicable to this act.

Sec. 5. *Be it further enacted,* That all persons shall be permitted to pass any turnpike gate upon said road, free from toll, upon the Sabbath day in going to and returning from divine service, nor shall any person be liable to pay toll while engaged in removing the dead to any burying ground for the purpose of interment.

Sec. 6. *Be it further enacted,* That Christopher Graham and James S. Hopkins be, and they are hereby added as commissioners to the board of internal improvement for the county of Mercer.

Sec. 7. *Be it further enacted,* That the several boards in the counties of Franklin, Anderson, Mercer and Lincoln, shall have full power and authority to make all contracts in relation to said road in order to complete the same, and by written contract or contracts, to bind their respective corporations to the extent of their funds, and to do all and every act or acts,

which may be deemed necessary to the completion of said work.

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SEC. 8. *Be it further enacted*, That the first election for president and directors to the respective boards aforesaid, shall be held on the first Saturday in April, 1836, and annually thereafter.

Elections not to take place till 1836.

SEC. 9. *Be it further enacted*, That John Mayhall, William Hall, John Shields, Charles Julian and Thos. T. Elliston, be, and they are hereby constituted a board of internal improvement in, and for the county of Franklin, to lay off and construct, in conjunction with the board of internal improvement for Anderson county, (provided said road shall commence in Anderson county,) a turnpike road from some convenient and eligible point in Anderson or Franklin counties, north of Morgan Withers, on the road authorized to be constructed by the act of which this is an amendment, to intersect the Shelbyville and Frankfort turnpike road, at such point as the said boards may fix upon, east of the town of Hardinsville, in Shelby county, in the direction of Louisville.

Another board incorporated.

For what purpose.

SEC. 10. *Be it further enacted*, That the said board of internal improvement hereby created, shall be, and they are hereby made and constituted a body politic and corporate, with all the rights, privileges and immunities, and subject to the same rules, regulations and restrictions, prescribed for, and conferred upon the other boards of internal improvement created by the before recited act, with this amendment thereto, so far as the same shall be applicable to the said board now created.

The board created a body politic.

SEC. 11. *Be it further enacted*, That the board of internal improvement hereby created, shall be, and they are hereby authorized and empowered, in conjunction with the board of internal improvement of Anderson county, (provided said road shall commence in Anderson county,) to open books for the subscription of stock in said road, at such times and places as they may deem proper, having first given reasonable public notice of the same, and to keep the said books open until they receive subscriptions sufficient to complete said road: *Provided*, That the said subscription of capital stock in said road, shall not exceed the sum of thirty thousand dollars, without the future permission of the legislature.

To receive stock enough to make the road.

SEC. 12. *Be it further enacted*, That in case said road shall commence in Anderson county, and any disa-

The points of beginning and

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termination,
how fixed.

In case of disagreement, the
Mercer board
to decide.

The boards of
Anderson and
the new board
to fix on the
route.

The road in
Mercer to run
through Salvisa

The road to be
paved eighteen
feet wide.

greement or difficulty shall arise between the board of internal improvement hereby created, and the board of internal improvement for Anderson county, in regard to the point at which the said road shall leave the road authorized to be constructed by the original act, or in relation to the point of its intersection with the Shelbyville and Frankfort road, or in regard to the course, position or direction of said road between those points, or touching any other matter or thing growing out of, or connected with the joint operations of said boards in the construction of said road, then, and in that case, the board of internal improvement for Mercer county shall be, and the same is hereby made and constituted an umpire between the said boards, and its awards and decisions thereupon shall be obligatory and binding upon, and carried into execution by each of said boards.

SEC. 13. *Be it further enacted*, That in case the said road shall commence in the county of Anderson, the said board of internal improvement for Anderson county, and the board of internal improvement hereby created, shall mutually co-operate, and be entitled to an equal voice in fixing upon the course, position and direction of said road, from its commencement to its termination, subject to the umpirage herein before provided.

SEC. 14. *Be it further enacted*, That the town of Salvisa, in the county of Mercer, shall be, and the same is hereby made and constituted a point through which the road, authorized to be constructed by the original act, shall pass.

SEC. 15. *Be it further enacted*, That it shall be the duty of the several boards of internal improvement created by the before recited act, and by this amendment thereto, and they are hereby directed and required, so far as the said road shall pass through their respective counties, to cause the same to be paved not less than eighteen feet in width.

[Approved February 28, 1835.]

CHAP. 891.—AN ACT to regulate certain Circuit Courts.

Jessamine circuit court, when
to be held.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the passage of this act, the circuit court of the county of Jessamine, shall be holden on the second Mondays of

April, July and October, and continue twelve juridical days, if the business require it. That the Marion circuit court shall be holden on the fourth Mondays in April, July and October, and continue six juridical days, if necessary. The Washington circuit shall be holden on the first Mondays in May, and the second Mondays in August and November, and continue twelve juridical days, if the business require it. And the Spencer circuit court shall be holden on the third Mondays in May, the fourth Mondays in August and November, and continue six juridical days at the May and August terms, and twelve juridical days at the November term, if the business of the court require it: *Provided*, That whenever a fifth Monday in the month of May shall intervene, said court may, at the May term, set twelve juridical days.

SEC. 2. *Be it further enacted*, That all process heretofore issued, or which may hereafter be issued, returnable to the several courts as they are now directed to be holden, shall be returnable to the terms as changed by this act.

SEC. 3. *Be it further enacted*, That the county court of Jessamine county shall hereafter be holden on the first Mondays in April, July and October, and all acts or parts of acts conflicting with this, be, and they are hereby repealed.

SEC. 4. *Be it further enacted*, That the March term, 1835, of the Jefferson circuit court shall be extended from thirty to thirty-six juridical days, if the business require it, and the criminal term of the Jefferson circuit court shall hereafter commence on the third Monday in April, instead of the second Monday in said month, and the March term of the Jefferson circuit court for the year 1836, and thereafter shall commence on the first Monday in March, and continue thirty-six juridical days, if the business shall require it; and hereafter the September term of the Jefferson circuit court shall commence on the third Monday of September, instead of the fourth Monday of said month, and shall continue thirty juridical days, if the business of the court shall require it. And the September term of the Oldham circuit court shall hereafter commence on the first Monday of September, instead of the second Monday of said month, and shall continue twelve juridical days, if the business of the court shall require it. All acts or parts of acts inconsistent with this act, are hereby repealed.

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Marion.

Washington.

Spencer.

Proviso.

Provision as to process already issued.

County courts of Jessamine.

Jefferson circuits courts, when to be held

Circuit of Oldham at the fall term.

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CHAP. 892.—AN ACT to amend the Charters of the Cities of Lexington and Louisville, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the City of Louisville may subscribe for the capital stock of the Lexington and Ohio Rail Road Company, any number of shares not less than one thousand, nor more than two thousand, and to pay for the same by the credit of the city, or any other ways and means to be devised by the said city, and to such end, they may borrow the money upon the credit of the city, and of the stock by them to be subscribed.

SEC. 2. And the City of Lexington may increase its subscription to the capital stock of said company, to any number of shares not exceeding one thousand, and provide for the payment of the same, by borrowing money upon the credit of said city and of the stock subscribed by it, or such other ways and means as it may devise: *Provided*, That the president, directors and company of the Lexington and Ohio Rail Road Company, shall first enter upon their records their assent to this law, and upon their doing so, then the respective charters shall be considered to be so amended as to enable them to carry into effect this act: *And provided further*, That the said president, directors and company of the Lexington and Ohio Rail Road Company, may agree with said cities, respectively, upon the terms and manner in which the stock of the cities, respectively, may be represented in the said company.

[Approved February 28, 1835.]

CHAP. 893.—AN ACT to incorporate the Versailles Savings Institution.

The corporation.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That William Barr, Noah Haydon, George M. Pinckard, Randolph Raile, jr. Robert Kinkead, John Mitchum, James Huggins, Benjamin Bailey, William W. George, James McConnell, Samuel Nuchols, Thomas Helm, R. W. Samuel, Benj. P. Gray, Wm. D. Young, J. Wisdom Craig, Thomas Steele, jr. John Oldham, Verpile Payne, Wm. Shouse, Samuel Wilson, Edward Darneal, Eli Long, Richard B. Bohannon, Ben. F. Duvall, E. H. Field, Wm. Christopher, Willis Field, E. G. McGinnis, Samuel C. Scott, Isham Railey, C.

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J. Blackburn, Thos. W. Sellars, Jacob Darneal, Thomas H. Woolfolk, John M. Ferguson, Haydon W. Fisher, Herman Bowmar, Bernard Gaines, Samuel Wingfield, Henry Moss, Medley Shelton, James Edwards, Nathaniel Hart, jr. Wm. L. Graddy, Lewis A. Berry, John W. Read, Joseph Frazer, John Prall, David Thornton, Daniel Divine, Joseph P. Carter, Richard G. Jackson, Wm. E. Ashmore, Wm. Robinson, John McKinney, jr. Wm. P. Hart, John T. Lyle, Samuel Stone, and Preston B. Morrow, and all and every other person or persons, hereafter becoming members of the Versailles Savings Institution, in the manner hereafter mentioned, shall be, and are hereby created and made a corporation and body politic, by the name and style of the Versailles Savings Institution, and by that name shall have perpetual succession, and be capable, by law, to hold and dispose of property, to sue and be sued, plead and be impleaded, answer and defend, and be answered and defended, in courts of law and equity, or in any other place whatever; and to receive and make all deeds, transfers, contracts, covenants, conveyances, and grants whatsoever; and to make, have, and use a common seal, and the same to change, and renew at pleasure, and generally, to do every other act or thing necessary to carry into effect the provisions of this act, and to promote the object and design of said corporation: *Provided, however,* That after the first election, (hereafter provided for,) should any of the persons herein named, decline to be members, by not depositing money in this institution, agreeable to the by-laws of said institution, they shall cease to be members of the corporation, and the president and directors shall fill such vacancy or vacancies, by such person or persons, as will become depositors therein.

The corporate powers.

SEC. 2. *Be it further enacted,* That there shall be a meeting of the members of said Versailles Savings Institution, on such day in the month of March next, and at such place as the five first persons named in this act, or any three of them, shall appoint, notice of such meeting being given in one or more papers printed in Frankfort or Lexington, and at the court house door in the town of Versailles, at least ten days previous to such meeting; and on such day in the month of March next, and at such place annually thereafter, as the by-laws of said institution shall provide, for the purpose of choosing, from among the members, nine directors,

Directors to be chosen.

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who shall choose a president from their body, (no member, in any case, having more than one vote,) to manage the affairs of said institution, for twelve months thereafter, and until a new election shall take place; and the five members first named in this act, shall be judges of the first election of directors, and the judges of all future elections, shall be appointed, and notice of such elections given, in such manner as the by-laws shall provide; and in case of the death, resignation, or vacancy from any other cause, in the said board of directors, the remaining directors shall fill the vacancy or vacancies, from the members of said corporation, for the unexpired term or terms of the director or directors, whose seat or seats have been vacated; and should the election, from any cause, not be made on the day designated, this corporation shall not, from that cause, be dissolved, but the directors then in office, shall, by the same notice, appoint another day for said election.

Officers to be
appointed.

Certificates of
deposit.

Powers of di-
rectors.

Deposits may
be vested in
stocks, &c.

SEC. 3. *Be it further enacted*, That the president and directors for the time being, or a majority of them, shall appoint all such officers, agents, and servants, as they shall deem necessary, to conduct or execute the affairs and business of the institution, fix their compensation, and in their discretion, to dismiss them, provide for the taking bonds from all or any of their officers, agents, or servants, by them so appointed, with security, conditioned in such form as they shall prescribe, for the faithful execution of their several duties, and to secure the corporation from loss, regulate the manner of making and receiving deposits, the form of certificates of shares, to be issued to depositors, and the manner of transferring the same, provide for investment of the funds of the corporation, in such manner as they shall deem most safe and beneficial, provide for the paying all necessary expenses in conducting the affairs of the corporation, and generally shall pass all such by-laws as shall be necessary to the exercise of the said powers, and of the other powers vested in said corporation by this charter, and the said by-laws, from time to time, to alter and repeal: *Provided*, That such by-laws shall not be contrary to the laws of this state or of the United States.

SEC. 4. *Be it further enacted*, That said corporation shall be capable of receiving, from any free person or persons, any deposit or deposits of money, and that all moneys so received, shall be invested in public

stocks or other securities, at the discretion of the directors, and in the manner deemed most safe and beneficial: *Provided always*, That such investment of the funds of the corporation shall be in the manner provided by the by-laws, and that no director or member shall be liable in his person or property for any debt, contracts or engagements of the said corporation, but that the money, property, rights and credits of said corporation, and nothing more, shall be liable for the same: *Provided also*, That no part of the funds of said corporation shall be loaned to any treasurer or other officer of said corporation.

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Proviso.

SEC. 5. *Be it further enacted*, That it shall be the duty of the directors, at least once every six months, to appoint from the members of said corporation, five competent persons, as a committee of examination, which committee shall appoint another committee of five persons from the depositors (who are not voting members) in said institution, which two committees so appointed, shall investigate the affairs of said corporation, and make and publish a report thereof, in one or more newspapers printed in the city of Lexington; and at any time it shall be required by a majority of the members of said corporation, there shall be as aforesaid, an examination and report of the condition of said institution; and it shall be the duty of the directors, on the first Monday in January, and the first Monday in July in each and every year, to make and declare a dividend of the interest and profits of said corporation, after paying its expenses, and pay over the same to the stockholders and depositors or their legal representatives within ten days thereafter.

Committee of examination.

SEC. 6. *Be it further enacted*, That all bills or notes at any time discounted or made payable to said institution, having the words without defalcation embodied in it, or them, shall be put upon the same footing as foreign bills of exchange; and the said institution is to calculate and charge interest according to the rules laid down in Rowlett's table of interest, and as is usual on discounted notes, any law, custom or usage to the contrary notwithstanding: *Provided*, There shall be no damages on any such bills or promissory notes discounted by said institution, and they shall have no greater dignity or priority of payments in a regular course of administration, than other bills or promissory notes.

Notes discounted.

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May receive
deposits from
minors.

SEC. 7. *Be it further enacted*, That said institution may receive deposits from minors, the consent of such minors' parents, guardians or masters being given thereto in writing; but shall not pay such deposits over to such minor, nor any part of the interest accruing thereon, until such minor shall have obtained the full age of twenty-one years, unless the parents, guardians or masters of such minor, consent thereto in writing.

Not to issue
bank notes.

May deal in
bills of ex-
change.

SEC. 8. *Be it further enacted*, That this corporation is not to make or issue notes or bills of credit, in the nature of bank notes, or bills payable on demand, or at a future day to bearer or order, or in any other form; but they may, if found necessary, deal in bills of exchange, and draw for funds transferred to them, or in any manner to their credit whatever, out of the town of Versailles, but shall, in no event, exercise any banking or other privilege, except as herein granted and provided for.

Damages for
failing to pay
deposits.

SEC. 9. *Be it further enacted*, That should any person or persons, body politic or corporate, make any deposits of money, bank notes or other valuable thing in the office of this institution, on the terms and conditions that shall be published by the officers thereof, and under the conditions of said deposit, draw for the same, and be refused repayment thereof, or be unnecessarily delayed in receiving his or their money, the said institution shall forfeit and pay to any such depositor damages at the rate of ten per cent per annum for the delay occasioned, to be recovered by any action to be brought at the next term of the Woodford circuit court, after such delay or refusal to pay; and should the said corporation, at at any time fail to repay the deposits made with them, this act shall cease and determine, and on the same being satisfactorily proved to the Woodford circuit court, the judge of said court shall appoint commissioners to take possession of the estate and effects of said corporation, and to divide the same among the creditors thereof in equal proportions to their several demands.

Charter for-
feited for fail-
ing to pay de-
posits.

SEC. 10. *Be it further enacted*, That in the event of any member (or person who may hereafter become a member of this institution) becoming owner of more than one share of the original sixty shares of stock, hereby incorporated, by purchase or otherwise, it shall be the duty of the directors for the time being, to cause a certificate or certificates of membership to be

issued to a weekly depositor or depositors in said institution, creating them voting members of this corporation, in order that the voting members may always be kept at the original number of sixty hereby incorporated. This charter shall continue for and during, and until the expiration of the year one thousand eight hundred and fifty, and no longer.

[Approved February 28, 1835.]

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Voting members of the corporation.
Continuance of the charter.

CHAP. 894.—AN ACT to incorporate the Common School Society of Bardstown.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Thomas Speed, Benjamin Chappeze, Charles Loam, Rev. Mr. Elder, Nathan Rice, Samuel Carpenter, James M. Brown, Jacob Rizer, Jonathan Simpson, Gabriel E. Cox, Daniel S. Howell, Matthew Japen, Thomas P. Lynthacum, George W. Hite and William P. Duval, and their successors in office, are hereby enacted a body politic and corporate, by the style and name of the Bardstown Common School Society, and by that name and style, shall have a common seal, with power to alter and change the same at pleasure, and may sue and be sued, plead and be impleaded, in any court, or before any judicial tribunal in this commonwealth; and shall moreover have power and authority to take and hold by grant, gift or devise any estate, real and personal, to sell and convey the same for the purposes of establishing and conducting a free school within said town, for the education of such children as may at any time reside within the bounds of the district hereinafter described.

Company incorporated, and style thereof.

The corporate powers.

SEC. 2. *Be it further enacted*, That said commissioners and their successors in office, shall have power, a majority of them being present, to elect one of their own body as president, appoint a clerk, treasurer, assessor and collector annually.

May elect a president, treasurer, &c.

SEC. 3. *Be it further enacted*, That said commissioners, and their successors in office, shall have power and authority annually to levy and collect upon the estate, real and personal, within the school district, liable to taxation, under the revenue laws of this state, and in the same manner, a sum not exceeding six hundred dollars, to be expended in the employment of a competent teacher or teachers for the instruction of

May levy and collect a tax.

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children within said district, and to meet the other necessary expenses of the said school.

May license
auctioneers, &
take bond for
payment of the
tax.

SEC. 4. *Be it further enacted*, They shall have power and authority to license auctioneers in said district, and shall be entitled to charge as a fee therefor, any sum not exceeding five dollars; and moreover, shall be authorized to levy and collect a tax of one half of one per cent upon the amount of all sales at public auction within said district, except the sales made by an administrator or executor, or by virtue of a decree, execution or order of court, or by virtue of any order or judgment before a justice of the peace; and in order the better to secure the payment of said auction tax, for the use of said school, they shall have power and authority to take from the auctioneer, bond and good security, faithfully to collect and account for the said tax, upon all sales made by him or them; which bond shall be made payable to said commissioners and their successors in office, and may be sued upon as other official bonds, and, to enable the auctioneer to perform his duty, he shall have a right to retain from the proceeds of said sales, the said tax of one half per cent.

May make by-
laws, &c.

SEC. 5. *Be it further enacted*, That said corporation shall have power and authority to make and prescribe all by-laws necessary to execute the powers herein vested, which are not inconsistent with the constitution and laws of the land.

All fines in-
curred and col-
lected to be
paid to the
treasurer.

SEC. 6. *Be it further enacted*, That all fines and forfeitures incurred and collected within said district, shall be paid by the officer or officers collecting the same, to the treasurer of said society for the purposes aforesaid.

Com'rs. to ap-
point five trus-
tees.

SEC. 7. *Be it further enacted*, That said commissioners for the time being, shall, at their stated annual meeting, (which shall be on the first Monday in January in each year, unless otherwise altered and fixed by a majority of said commissioners) appoint from their own body, a committee of at least five members, who shall act as trustees and visitors to said school for twelve months, and until their successors shall be appointed. They shall decide upon all applications for admission in said school, and upon all questions or complaints, touching the conduct of the teachers and pupils, and shall have power to suspend or expel a scholar for good cause, subject to appeal to the commissioners of said school; they shall make reports annually to the

Shall make
annual reports

board of the condition of the school, the number of teachers and pupils, amount of expenditures, &c., so as to exhibit the ample operation of the said school. It shall be the duty of the commissioners to lay the said report before the legislature every year.

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SEC. 8. *Be it further enacted*, The citizens of said district who are qualified voters, shall, upon the first Monday in May in each and every year, (unless some other day shall be fixed upon by the by-laws of said society,) at the court house in Bardstown, elect eleven commissioners for said school, who shall remain in office for twelve months, and until their successors shall be appointed; said elections shall be conducted under the authority of the judges, clerks and the sheriff, who may be appointed in said county to conduct the general elections for said county at Bardstown; and in case of absence or the refusal to act, any one shall be appointed to act in his or their place, by the president of said board; and the said society shall pay to each of the judges, clerk and sheriff, one dollar for their services, and all the laws in force regulating the general elections in this state, shall govern and control the elections of said commissioners: *Provided*, no election shall take place until after this charter shall be accepted by the inhabitants in said district; and when the same shall have been accepted, it shall be the duty of the sheriff of the county to advertise the time of the first election, at the court house door, at least ten days' previous to said election. It shall not be necessary to keep the polls open at any election, under this charter, more than one day.

The qualified voters in said district may vote for com'rs.

How such elections shall be conducted.

SEC. 9. *Be it further enacted*, It shall be the duty of the said commissioners so elected, and all other the officers of said society, before they enter upon the duties of their office, to take an oath before some justice of the peace faithfully and impartially to discharge the duties of their office to the best of their skill and ability.

Officers to take an oath.

SEC. 10. *Be it further enacted*, Whenever it shall be certified by the president and secretary of said board, that the sum of six hundred dollars has been levied and collected, or otherwise paid into the treasury of said society in any one year under the provisions of this charter, it shall be the duty of the governor of this state to issue his order to the auditor of public accounts, directing him to issue his warrant in favor of the treasurer of said society, for the sum of

A conditional appropriation made by the state.

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two hundred dollars, to be paid out of the public treasury, out of any money not otherwise appropriated, to be charged to the school fund; which sum shall be applied to the purposes of said common school under the provisions of this charter.

An appropriation made for one third of the amount subscribed by individuals.

SEC. 11. *Be it further enacted*, That if a sum less than six hundred dollars shall be paid into the treasury by the inhabitants within the district under this charter, and the same shall be certified to the governor as provided in the 9th section of this act, the governor shall, in like manner, issue his order upon the auditor for the payment out of the treasury, for one-third of whatever sum shall be certified as aforesaid, as having been paid into the treasury of said society, to be expended as aforesaid.

This act not to be obligatory unless approved by the citizens of school district.

SEC. 12. *Be it further enacted*, This act shall not be obligatory until the same shall be approved by a majority of all the free white citizens resident in or owning estate within said district liable to taxation under this law; and for the purpose of ascertaining that fact, it shall be the duty of the county court of Nelson, when applied to for that purpose, by a majority of the persons named in the first section of this act, to fix a day for the purpose of taking a vote upon the acceptance of this charter, and they shall at the same time appoint two of their own body and their sheriff to conduct the same, in the same manner that elections are now conducted by law, except it shall not be necessary to keep the polls open longer than one day.

The citizens to vote for or against its acceptance.

SEC. 13. *Be it further enacted*, The said judges and sheriff shall certify the result to the county court, who shall enter the same upon record, and if a majority of all the votes given shall be in favor of the acceptance, the court shall fix the day for the first election of eleven commissioners, under this act, and the persons so elected, shall immediately proceed to organize the board and to the appointment of the officers of said society.

If accepted, com'rs. to be elected, and to organize themselves.

SEC. 14. *Be it further enacted*, The said commissioners, or a majority of them, shall have power and authority to appoint and dismiss at pleasure, the teachers and officers of said school, and to affix their compensation, and to prescribe for said school its code of laws.

May appoint and dismiss teachers, officers, &c. fix their salaries, &c.

Boundaries of the district.

SEC. 15. *Be it further enacted*, The boundaries of said district and the jurisdiction of said society shall extend to the limits and boundaries of the 1000 acres

of land patented to Bard and Owings, upon which Bardstown is situated, and known as the town pre-emption. The estate of any religious society shall not be taxed under this law, nor shall it be lawful to tax any real estate or buildings within said district devoted to public worship or to the purposes of education.

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What estate exempt from taxation.

SEC. 16. *Be it further enacted*, That all white children under the age of twenty-one, and all apprentices resident within said bounds, shall, under the regulations of said school, be entitled to admission and instruction in said school, without fee or charge, to them, their parents, guardians or masters.

All white children entitled to admission without charge.

SEC. 17. *Be it further enacted*, The persons named in the first section of this act shall cause the same to be published at least six weeks, successively, in the Bardstown Herald before the day fixed on by the county court for the acceptance of this charter: *Provided*, The appropriation herein made shall not extend further than one year, unless the legislature shall hereafter otherwise direct.

This act to be published in the Bardstown Herald.

[Approved February 28, 1835.]

CHAP. 895.—AN ACT more effectually to protect the Occupants of Lands, which have been forfeited to the State for Taxes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the auditor of public accounts shall, on or before the first day of August next, make out and transmit to the sheriff of each county in this commonwealth, a list of all tracts of land lying in said county, which have been cried off to the commonwealth by the sheriff of said county, for a failure to pay the taxes thereon; and the auditor shall also certify to such sheriff the amount of tax and costs due on each tract, and the sheriff shall receive said list, and transmit a receipt therefor to the auditor. And any person whose land has been thus cried off to the state, or any person holding his title, shall be permitted to redeem the same at any time within three years from the passage of this act, by paying to the sheriff the amount of the tax, with interest, at the rate of one hundred per cent per annum, from the time the same was stricken off to the state, and costs due thereon, for which the sheriff shall give a receipt, and thereupon the person, so redeeming said land, shall be re-invested with the said title, which had been so forfeited to the

The auditor to transmit to the sheriffs a list of all the forfeited lands, who are to receipt for the same.

Right to redeem within 3 years.

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Receipt of the auditor shall be sufficient evidence.

Sheriff to account for and pay into the treasury taxes received by him

May also pay to the treasurer

state; upon the production of such receipt to the auditor, he shall record the same in a book to be kept by him for that purpose, and a copy of such receipt, taken from the record certified by the auditor, shall be sufficient evidence of the payment of the tax and costs due upon any such tract of land. The sheriff shall annually account for, and pay into the public treasury all moneys received by him under this act, in the same manner, and shall be liable to the same mode of proceeding for a failure to pay over the same, as is provided by law in the case of sheriffs, who fail to account for and pay over the revenue into the treasury: *Provided*, That any person, who shall be entitled to redeem any land under the provisions of this act, may do so by paying the amount to the treasurer, instead of the sheriff, and produce his receipt to the auditor, who shall enter the lands redeemed, and give the sheriff to whom the list was sent, a credit for the same.

[Approved February 28, 1835.]

CHAP. 896.—AN ACT to establish the Town of Mortonsville, in Woodford County.

The town established, and plan thereof confirmed.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the town, which was heretofore laid off in the county of Woodford by Jeremiah Morton, shall be, and the same is hereby established upon the plan formed and laid down by said Morton, and the said plan is hereby ratified and confirmed, and said town shall hereafter be known and called by the name of Mortonsville.

Trustees appointed for one year.

SEC. 2. *Be it further enacted*, That William M. Wilson, Benjamin Wickersham, Josiah Felix, George Wilkins and Sandridge Arnett, are hereby constituted trustees for said town, who shall continue in office for one year from and after the first day of June next, and until their successors are duly elected and qualified.

Bounds of the town designated.

SEC. 3. *Be it further enacted*, That the boundaries of said town shall be as follows, to-wit: beginning on Tanner's creek, at the lower end of the lot owned by Sandridge Arnett, on the west side of said creek, running up the same to the Versailles road, thence with said road to the line between the lot owned by the heirs of Edward B. Atkins and A. Ford, thence with the line between them, so as to include the lot on the north side of said road, thence so as to include the lots ad-

joining and owned by John Dozier and John Hammond, thence an eastwardly direction, so as to include the house of Josiah Felix, thence to the Lexington road to include the factory of Price Felix, thence a straight line to the beginning; and the said trustees shall have authority and jurisdiction within said bounds. And the said trustees shall have power and authority to appoint all town officers, pass all by-laws, and to do any and every act for the regulation and good government of said town, which the trustees of towns are authorized to do under the general laws of this commonwealth in relation to towns.

[Approved February 28, 1835.]

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And the jurisdiction of the trustees extended therein.

The powers granted to the trustees.

CHAP. 897.—AN ACT to incorporate the Covington and Cincinnati Manufacturing Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That John B. Casey, Carey Clemons, Hanson Drew, M. M. Benton, Jefferson Phelps, John W. King, D. B. Holbrook, S. R. M. Holbrook and W. W. Walker, and those who may hereafter be associated with them as stockholders, and their successors, shall be, and they are hereby created and made a body politic and corporate until the year 1860, by the name of the Covington and Cincinnati Manufacturing Company, and by that name are hereby made able and capable in law to have, purchase, receive, possess, enjoy and retain to them and their successors, lands, tenements, hereditaments, goods, chattels and effects, to an amount not exceeding five hundred thousand dollars, and the same to sell, grant, demise, alien and dispose of at pleasure; also to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts of law or equity, and shall be, and are hereby invested with all the privileges and powers, which by law are incident to corporations of a similar nature; also to make, have, and use a common seal, and the same to break, alter or renew at pleasure; and also to ordain, establish and put in execution such by-laws, ordinances and regulations, as shall be necessary and convenient for the government of said corporation, and which are not contrary to the constitution and laws of this commonwealth; and generally to do and execute all and singular the acts necessary to carry into effect the objects of this charter.

The company incorporated, & style thereof.

Powers conferred on them.

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Number of the
shares, and the
amount thereof

Certificates for
stock to be is-
sued.

May be as-
signed and
transferred.

Regulations
as to voting on
stock held.

A meeting of
the company to
be called after
being advertis-
ed, to elect a
president and
directors.

Vacancies, how
to be filled.

SEC. 2. *Be it further enacted*, That the property of said company shall be, and is hereby divided into seventy-eight shares of one thousand dollars each, and shall be numbered in progressive order, beginning at number one, and every original holder thereof shall have a certificate under the seal of said company, and signed by the president and attested by the treasurer, certifying his property in such share as shall be expressed in said certificate, and said stock may be alienated by the proprietor thereof, by a written transfer in person or by attorney, in the books of the said company, and the assignee or assignees thereof shall be entitled to a new certificate, executed in the form aforesaid, on producing and surrendering to the treasurer the former certificates, and said stock shall be held and deemed personal estate, and pass to the executor or administrator on the demise of the holder thereof; and each and every stockholder, at all elections or meetings, shall be entitled to one vote on each share he may hold in his own right up to five shares, and one vote for every five shares over that number, and shares may be voted on by proxy, (such proxy being granted directly to a stockholder present at such election or meeting,) or by the executor or administrator of the deceased owner; and after the first election, no share shall confer a right of suffrage, which shall not have been holden by the holder thereof, and so appear on the books of said company, at least one calendar month previous to the day of election.

SEC. 3. *Be it further enacted*, That John B. Casey, Carey Clemons, Hanson Drew, M. M. Benton, Jefferson Phelps, John W. King, D. B. Holbrook, S. R. M. Holbrook and W. W. Walker, or either of them, may call the first meeting of said company, to be holden at any suitable time and place in the town of Covington, by advertising the same in the Covington Enquirer at least ten days previous to said meeting; and the members of said company, at that time and place, and they and their successors, on the first Monday in July in each succeeding year, at the office of said company, shall meet and elect a president and four directors, who shall continue in office until the first Monday in the ensuing year, and until their successors shall be elected; and in case of the death or resignation of the president or any director, the remaining directors shall elect some person to fill the vacancy the residue of the year; and no person shall be a president or

a director who is not a shareholder. The president and three directors shall constitute a quorum to do business, or four directors without a president, one of whom shall be chosen president for the time being.

SEC. 4. *Be it further enacted*, That it shall and may be lawful for the shareholders to increase the number of shares of said company to any number of shares not exceeding five hundred shares of one thousand dollars each, at such time or times, and in such manner as they, according to the rules and regulations of said corporation, may deem proper: *Provided*, Three-fourths of the votes on all the shares shall concur therein.

SEC. 5. *Be it further enacted*, That the president and directors, for the time being, shall have power, and are hereby authorized to carry on the manufacture of hemp, tow, flax, cotton and woollen goods, and may erect such mills, works, machine and buildings, as may be necessary for carrying on these useful manufactures and branches of business; and shall have power, from time to time, to choose a secretary, who shall be sworn before a justice of the peace, to the faithful discharge of his duty, and who shall record all votes of the corporation in a book to be by him kept for that purpose; a treasurer, who shall give bond to such amount, and in such manner as the said president and directors shall direct; and such other directors, agents and factors, as shall be thought necessary and convenient for their regular government, and to carry into effect the objects for which said corporation is established. And the president shall, on the first Monday in January, and the first Monday in July, in each and every year, make half yearly statements of the accounts and business of said company: *Provided, however*, That said company shall not engage in merchandizing, except for the sale of their own manufactures, and such merchandize as may be necessary for their own use, and that of the hands and factors.

[Approved February 28, 1835.]

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Who eligible as a president and director. The amount of capital stock may be increased.

The company authorized to manufacture hemp, tow, flax, cotton and woollen goods, &c.

May choose a secretary, treasurer, and other officers.

Semi-annual statements to be made to the company of its business, &c.

CHAP. 898.—AN ACT to legalize the proceedings of the Trustees of the Town of Elizabeth.

Whereas, it is represented to the present General Assembly, that Andrew Hynes did, at the July term of the Hardin county court, 1797, by order of said

Recital.

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court, establish a town on thirty acres of land in said county, by the name of Elizabethtown, and had trustees appointed by said court for said town, but said order omits to state that the legal title to said land was vested in the said trustees; and their successors in office, either appointed or elected by qualified voters of said town, did cause said town to be laid off into convenient lots, streets and alleys, and from time to time, did cause said lots to be sold at the instance, and for the benefit of said Hynes, and did sell and convey lots, and the said trustees did, at a meeting held by them in said town the 20th of August, 1798, alter the plan of said town, and did sell and convey lots, and the plan, then altered by the trustees of said town, was, on the 10th October, 1815, returned to the county court, and ordered to be recorded and made the plan of said town; and whereas doubts are entertained whether the legal title of said land passed to the trustees, or to their purchasers: for remedy whereof,

The town established according to the plan recorded, and the title to lots vested in the trustees for the use of the owners.

Trustees to execute deeds to the owners.

Trustees may erect buildings on the public square or the streets.

And maintain an action for any injury done thereto.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the said town be, and the same is hereby established agreeably to the plan recorded in the county court of Hardin, at the October term of their said court, in the year 1815, and that the title of said lots, for the use and benefit of the purchasers and holders thereof, be vested in the trustees of said town, and their successors in office are authorized to execute deeds of conveyance to the lots in said town to the persons, who purchased lots of the trustees, or to those who have received the title conveyed by said trustees to the purchasers by regular conveyance.

Sec. 2. *Be it further enacted,* That the trustees of said town, and their successors in office, shall be, and they are hereby vested with power and authority to erect on any part of the public square, or in any street in said town, a market house, or any house which they may, in their opinion, think necessary for the use and benefit of said town.

Sec. 3. *Be it further enacted,* That for any injury which may be done by any person or persons to any building erected by the authority of this act, the trustees then in office shall have a right in their own names to institute, in the Hardin circuit court, an action of trespass, and recover such damages as a jury may think has been done to the property; the damages to

be applied to the use of the town, in such manner as the trustees may think proper.

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SEC. 4. *Be it further enacted*, That the act passed this session, for the same purposes herein provided, be, and the same is hereby repealed.

The act of the present session repealed.

[Approved February 28, 1835.]

CHAP. 899.—AN ACT to amend an act, entitled an act to incorporate the Richmond and Lexington Turnpike Road Company, approved February 14, 1834.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That so much of the act, entitled an act to incorporate the Lexington and Richmond Turnpike Road Company, approved February 14th, 1834, as provides the mode of condemning land for the construction of said road, be, and the same is hereby repealed; and that the general law regulating writs of *ad quod damnum*, shall apply and govern in all cases where land or materials are to be condemned for the construction of said road.

Part of recited act repealed, and the mode of condemning land and materials prescribed.

SEC. 2. *Be it further enacted*, That so much of the above recited act as authorizes a subscription of only one third of the stock of said company on the part of this commonwealth, be, and the same is hereby repealed, and the board of internal improvement is authorized to subscribe for stock on behalf of the commonwealth, in said company, agreeably to the general law regulating subscriptions to such companies on the part of this commonwealth.

So much of said act as restricts the state subscription to one third repealed.

Subscriptions to be governed by the general law.

SEC. 3. *Be it further enacted*, That in addition to the commissioners appointed under the act to which this is supplemental, that James B. Walker, Thomas Richardson, Curtis Field, Cassius M. Clay, Napoleon G. Tevis and William McClanahan, of the county of Madison, and Waller Bullock, Robert C. Boggs, John Brennan, Jacob Embry, Samuel Theobald and Gordon Hunt, of the county of Fayette, be appointed commissioners to act in conjunction with those appointed under the aforesaid act; and the commissioners are authorized, from time to time, and in such places as they think proper to open, and continue open books of subscription for the stock in said company, until the whole number of shares shall be subscribed.

Additional commissioners appointed.

When & where to open books for subscription, of stock.

SEC. 4. That said company shall have power to increase the capital stock thereof, if requisite for the construction of said road.

Company may increase the amount of capital stock.

[Approved February 28, 1835.]

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CHAP. 900.—AN ACT to establish the Louisville Chancery Court.

Court estab-
lished, and its
jurisdiction.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That there shall be, and is hereby established a court of equity, to be held in the City of Louisville, which shall have all the equitable and chancery jurisdiction which the Jefferson circuit court now has, in suits hereafter brought; and no suit in chancery shall hereafter be commenced in the Jefferson circuit court: and the office of chancellor for said court shall be, and the same is hereby created, and a chancellor shall be appointed and commissioned as other judicial officers, who shall receive an annual salary of fifteen hundred dollars, payable quarterly. That it shall be the duty of the Mayor and council of the City of Louisville to pay into the public treasury, annually, on the first day of January in each year, the sum of five hundred dollars, out of the fines assessed in the mayor's court.

Chancellor—
his salary.

City to pay
\$500 into the
treasury.

Terms of the
court—process.

SEC. 2. There shall be four annual terms of the Louisville chancery court, commencing on the second Mondays in January, April, July and October, in each year. The court shall continue from term to term, and be considered always open when the business shall require it. The process shall be returnable to the first day of the succeeding term, unless the chancellor shall order it to a shorter return day.

Court to have
power to grant
injunctions, &c
in or out of
court.

SEC. 3. That said court may adjourn and assign the hearing of a cause to any day in its discretion, and may grant orders for attachments, injunctions, and all other incidental orders in chancery and maritime and admiralty causes, at his chambers or in court; and he may, in his discretion, give leave to the parties to amend their pleadings, and to take testimony, and assign a convenient day for the hearing of the case, upon such amended pleadings and evidence.

To issue writs
of habeas cor-
pus, &c.

SEC. 4. That said court shall have power to issue writs of *habeas corpus*, *scire facias*, and all other writs agreeable to the principles and usages of courts of equity which may be necessary and proper for the exercise of its jurisdiction, and shall have power and authority to require and compel the parties to produce books, writings and other evidence in their possession and power, as in cases and under circumstances where they ought to be compelled to produce the same by ordinary proceedings in chancery, and in case of failure to produce the same, according to the order of the court, to give judgment against the party in default,

To compel
parties to pro-
duce books, &c.

or in the discretion of the court, to attach the party and compel the production.

SEC. 5. That said court shall have power to grant new trials, to impose and administer all necessary oaths or affirmations, and to punish by fines and imprisonment all contempts of its authority in any cause or hearing before the court: also, to devise the forms of writs and process, and to establish all rules proper for the orderly conducting and expediting the business of said court, provided such rules be not repugnant to the constitution and laws of this, or the United States.

SEC. 6. That no summons, writ, process, return, bill, pleading, judgment, decree, or other proceedings shall be abated, arrested, quashed or reversed for any defect of form. And the said court shall and may, from time to time, amend all imperfections, and defects, and want of form; and may, at any time, permit either party to amend any defect of the process or pleadings, and upon such conditions as the court, in its discretion and by-rules, shall prescribe.

SEC. 7. The chancellor of said court, before he enters upon the execution of the duties of his said office, shall take the oaths or affirmations prescribed by the constitution of this, and the United States, and, also, the following: I do solemnly swear, or affirm, that I will administer justice, without respect to persons, and do equal right to all; and that I will faithfully and impartially discharge and perform all the duties incumbent on me as the chancellor of the Louisville chancery court, according to the best of my abilities and understanding, agreeably to the constitution and laws of the United States, made in pursuance thereof, and to the constitution and laws of this state, made in pursuance thereof.

SEC. 8. The said court shall appoint a clerk, who shall keep his office in the City of Louisville, and in such convenient place as the chancellor shall approve; and, before entering on the discharge of his duties, he shall take the following oath or affirmation: I, A. B., being appointed clerk of the Louisville chancery court, do solemnly swear, or affirm, that I will truly, faithfully, and diligently enter, record and preserve all the orders, decrees, judgments and proceedings of the said court, and that I will faithfully and impartially discharge all the duties of my said office according to the best of my abilities and understanding. And shall, moreover, give bond with good security, to be approv-

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To grant new trials, administer oaths, fine and imprison.

To devise forms of process, establish rules, &c.

No process or proceeding to be quashed for want of form.

Oath of the chancellor.

Clerk to be appointed.

Oath.

To give bond.

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ed by the chancellor, in the penalty of five thousand dollars, conditioned for the faithful discharge of the duties of his office.

A marshal to be appointed.

His duties.

May appoint deputies.

Each to give bond.

To take oath.

Deputy marshal to give a bond to the principal.

When interested, process to be directed to another.

If the principal dies, the deputy to con-

Sec. 9. An officer for said court, to be styled the marshal of the Louisville chancery, shall be nominated by the Governor, by and with the advice and consent of the Senate, appointed for the term of four years, whose duty it shall be, by himself and his deputies, to attend said court, and to execute the commands and orders of the court, and to execute throughout the state, all lawful precepts directed to him, and issued under the authority of said court. The marshal and his deputies shall have power to command all necessary assistance in the exercise of his duty; and he shall appoint, with the approbation of the chancellor, one or more deputies, who shall be removable by the chancellor at pleasure, or at the pleasure of the marshal. Before the marshal or deputy or deputies shall enter on the duties of the office, each shall become bound before the chancellor, with two or more securities, to be approved of by the chancellor, in a bond for twenty thousand dollars, conditioned for the faithful discharge of the duties of said office, and for the faithful payment of all money which shall come to his hands; and the marshal and his deputy or deputies shall, moreover, appear before the chancellor and take the following oath or affirmation: I, A. B., marshal of the Louisville chancery court, (or deputy marshal, as the case may be,) do solemnly swear, or affirm, that I will faithfully execute all lawful precepts directed to the marshal of the Louisville chancery court, which may come to my hands, and true returns make, and in all things, diligently and truly, without malice or partiality, perform the duties of marshal, (or marshal's deputy, as the case may be,) during my continuance in office, and take only and no more than my lawful fees.

Sec. 10. The marshal shall have authority to require from his deputy bond with surety for his indemnification against the acts of his deputy; and in all cases where the marshal or his deputy shall be a party, the writ or other precept may be directed to such disinterested person as the chancellor shall appoint, and the person, so appointed, shall be, and is hereby authorized to execute and return such process to him directed. And in case of the death or resignation of the marshal, or of the vacancy of said office by any other cause, his deputy or deputies shall continue in

office, unless removed by the chancellor, and shall continue to execute the same, in the name of the principal until another marshal shall be appointed and sworn. And the defaults or misfeasances in office of the deputy or deputies, shall be adjudged a breach of the condition of the bond of the marshal and deputy, and all persons injured by the breach may, at their election, sue the obligors in either; and every marshal and his deputy, after the expiration of his term, or other vacancy of the office, shall have power and authority, notwithstanding, to execute all such precepts as may be in their hands respectively, at the time of removal or expiration, or other vacancy of his office, and shall be held answerable accordingly; and the marshal may, by warrant under his hand and seal, appoint a baliff specially to execute a particular precept named in such warrant, and the baliff, so appointed, shall have thereby authority to execute such special precept.

SEC. 11. The clerk and marshal shall be entitled to receive the fees respectively, for the duties performed by them, which are allowed by law to the clerk and sheriff of the circuit court of Jefferson for similar services, and shall be entitled to the like compensation and allowance for *ex officio* services performed for the commonwealth. The marshal shall have the like compensation and fees for travelling out of the county of Jefferson, for executing precepts and processes, as are allowed by law for the like services to the sergeant of the court of appeals; and where services shall be performed by the clerk or marshal, for which the law has not provided, the chancellor of said court may allow, in his discretion, such compensation according to the usages of courts of chancery and admiralty in like cases.

SEC. 13. The chancellor shall have power and authority to appoint one or more masters in chancery, whose duty it shall be to state all accounts referred to such master, and to do and perform all such acts as may be required of him; and a master in chancery shall execute all deeds of conveyance, under the decrees and orders of said court, that are usually made by a commissioner: and the chancellor may authorize a master to make all necessary proof which may be required in stating an account, or any other matter to him referred; and may require him to report the same to the court. A master in chancery shall, before en-

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tinue until another is appointed.

When they may be sued on their bond.

Fees of clerk and marshal.

The marshal's travelling fees.

Chancellor to allow fees for services not provided for.

Masters in chancery may be appointed. Their duties.

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Oath.

tering on the discharge of his duty, take the following oath before the chancellor: I, A. B., do solemnly swear, or affirm, that I will honestly, impartially, and to the best of my judgment, discharge the duties of a master in chancery, without favor or respect to persons, and that I will render true and just reports of all my actings and doings as master in chancery.

Depositions
may be taken
before a master
or commissioner.

SEC. 13. The chancellor shall have power to require all depositions to be taken before a master or commissioner to be appointed by the chancellor; and he may require written interrogatories or cross interrogatories to be filed, and sent to the master or commissioner, before a witness shall be examined; and he may further require all depositions taken before a master in chancery, or a commissioner, to be written by the master or commissioner: for which services the chancellor shall make the master or commissioner a reasonable allowance, to be paid by the party taking the deposition, and taxed in the bill of costs, as other expenses of the suit, or he may permit them to be taken as now provided by law.

His fees.

Ex'rs. &c. in
Louisville to
settle their ac-
counts before
the chancellor.

SEC. 14. That hereafter, executors, administrators and guardians, within the city of Louisville, shall annually settle their accounts before the Louisville chancery court; and the county court of Jefferson shall not have jurisdiction to state and settle the accounts of such executors, administrators and guardians.

If they do not
settle annually,
to be charged
with compound
interest.

SEC. 15. That executors, administrators and guardians who fail to settle their accounts annually with the Louisville chancery court, shall be liable to compound interest in annual rests for all sums of money in their hands, or which ought, with reasonable diligence, to have come to their hands; and said court shall have the right and power to cause guardians to invest the money and annual income of their wards in profitable securities, and cause the interest to be re-invested, from time to time, so as to accumulate for the advantage of the ward, except where otherwise directed by last will and testament.

Clerk of Jef-
ferson county
court to furnish
a list of ex'rs.
&c.

SEC. 16. It shall be the duty of the clerk of the Jefferson county court to furnish the Louisville chancery court, on the second Monday in July, 1835, a list of all the executors, administrators and guardians, in the city of Louisville, who have been qualified, or who have been appointed by said county court, and who have not settled the estates committed to their hands; and to furnish annually, on the second Mon-

day of July, in each year thereafter, a list of all those who have qualified, or been appointed the preceding year; and it shall be the duty of the chancellor of the Louisville chancery court to cause said executors, administrators and guardians to make their annual settlements before one of the masters in chancery of said court; and for that purpose, may issue a summons against such executors, administrators and guardians, and enforce their appearance and the settlement of their accounts; but no settlement made on a summons under this section, shall be more than *prima facie* evidence for or against such executors, administrators or guardians.

SEC. 17. That it shall be lawful for the complainant in any chancery cause, to proceed to take his proof so soon as the process shall be proved, and it shall be lawful for the defendants to proceed to proof so soon as his, her or their answers shall be filed.

SEC. 18. That appeals and writs of error from the judgments and decrees of the Louisville chancery court shall lie to the court of appeals, in the same mode and manner, and under the same rules and regulations that appeals and writs of error lie to the judgments and decrees of the circuit courts.

SEC. 19. That chancery causes pending in the Jefferson circuit court, and in circuit courts of the adjoining counties, may be removed to the Louisville chancery court, for the same causes and under the same rules and regulations that chancery causes may now be removed from one circuit to another; and chancery causes pending in the Louisville chancery court may be removed to the Jefferson circuit court, or to any adjoining county, for the same cause and under like rules and regulations; and chancery causes now pending in the Jefferson circuit court may be removed to the Louisville chancery court by consent of the parties.

[Approved February 28, 1835.]

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To settle before one of the masters.

When proof in a cause may be taken.

Appeals and writs of error may be prosecuted from as from other courts.

Causes may be removed to and from.

Causes from Jefferson may be removed to, by consent.

CHAP. 901.—AN ACT to incorporate the Newcastle and Middletown Turapike Road Company.

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That a company shall be, and is hereby incorporated a body politic and corporate, by the style and name of the Newcastle, Bal-

Company incorporated, and style thereof.

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ardsville, Floydsburg and Middletown Turnpike Road Company, for the purpose of constructing a turnpike road from Newcastle to Middletown, which company shall have perpetual existence, and by that style shall sue and be sued, in any court in this commonwealth.

Capital stock.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be twenty-six thousand dollars, to be divided into shares of fifty dollars each.

Company to open books.

SEC. 3. *Be it further enacted*, That John Williamson, Richard O'Bannon, William Smith and Thomas Brown, or any two of them, are appointed commissioners, whose duty it shall be to open books for the subscription of stock, at such times and places as they shall deem most expedient; and the said commissioners shall have power and authority to appoint one or more agents to open books and receive the subscription of stock. In case the said persons should fail or refuse to act, from any cause whatever, the county court of Henry shall, from time to time, fill up any vacancy or appoint some person in the place of such one or more of the commissioners who shall or may fail to act, the said commissioners shall give notice of the time and places when and where books are opened for the subscription of stock in said company.

May appoint agents.

Com'rs. to appoint time of meeting.

SEC. 4. *Be it further enacted*, That so soon as the number of fifty shares shall have been subscribed in said capital stock by individuals and companies, the commissioners shall give ten days notice in some newspaper published in Louisville of the fact, and appoint a time and place for a meeting of the stockholders in Newcastle, who shall, by vote, elect a president and four managers to conduct the business of said corporation by the title aforesaid. The president, managers and all other of the officers of said company shall annually take an oath before some justice of the peace, faithfully to discharge the duties of their respective offices. They shall, as soon as may be, proceed to locate said road from Newcastle to Middletown, and may be authorized to receive the written consent of all or any landholder through which, or near to which, the said road may pass, the grant of the right of way, timber, stone and soil to make said road, and to keep the same in repair; which consent, when so given, shall be valid to every intent and purpose.

President and managers shall take an oath.

And proceed to locate the road.

Width and construction of the road.

SEC. 5. *Be it further enacted*, That the said road shall be opened at least sixty feet wide, and the same shall be graded to an elevation, not exceeding three

and a half degrees; at least twenty feet wide at the bottom of said road, when the ground will permit the said width and grade.

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SEC. 6. *Be it further enacted*, That when the said road shall be so opened, and graded, for any distance thereof, equal to five miles, it shall be lawful for said company to erect a gate or gates upon the same, and to collect, for the travel on said road, one half of the rates of toll authorized to be collected, by the charter of the Shelbyville and Louisville Turnpike Road Company, and at the same rates, for any greater distance of said road, so soon as the same shall be opened and graded as aforesaid, and whenever the said road shall be paved with stone, or McAdamized with stone, at least twelve feet wide, then the said company shall have the right to charge the same toll, that said company is entitled to, for so much of said road as may be so completed.

When five miles are completed, gates may be erected

Rate of toll.

SEC. 7. *Be it further enacted*, That the general provisions of said charter of the Louisville and Shelbyville Turnpike Road Company, and the several acts relating thereto, and amendatory thereof, shall apply to the company hereby incorporated, and are made parts of this charter, except so much thereof as may be inconsistent with the provisions of this act.

The provisions of Louisville and Shelbyville road taken and adopted for the government of this.

SEC. 8. *Be it further enacted*, That the said company shall have the right and power to alter or change the location which they may make of said road, or any part thereof, and they shall be allowed ten years, after the whole of said stock shall be taken and subscribed, to complete said road, and if the same shall not have been completed within that time, then the charter shall be void and forfeited, for so much of the said road only, as may not be completed, and no more.

May alter or change the location.

[Approved February 28, 1835.]

CHAP. 902.—AN ACT to authorize the sale of a Negro Man belonging to the infant children of Charles W. Summers, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Samuel Wilson is hereby appointed a commissioner, for the purpose of selling, at public auction, a negro man named Sam, belonging to the infant children of Charles W. Summers, who shall, before he enters upon the duties pre-

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scribed by this act, enter into bond, with one or more good and sufficient securities, in the Bath county court, in a penalty of double the amount of money that may come into his hands by virtue of this act, conditioned for the true and faithful performance of all the duties imposed by this act, which bond shall be made payable to the commonwealth of Kentucky, and liable to be put in suit by any person or persons aggrieved by a breach of the whole or any part of said bond.

SEC. 2. *Be it further enacted*, That it shall be the duty of said commissioner to expose said negro man Sam, to sale to the highest bidder, at the court house door, in the town of Owingsville, on the second Monday in March, April or May next, on a credit of three months, the purchaser giving bond with approved security for the purchase money, which bond shall be made payable to said commissioner for the use and benefit of said children: *Provided*, said commissioner shall first have given ten days' previous notice of the time, place and terms of said sale at the court house door, in the town of Owingsville, and at the door of the Bald Eagle meeting house in Bath county.

SEC. 3. *Be it further enacted*, That it shall be the duty of said commissioner, as soon as practicable, after said sale, to vest the proceeds thereof, together with whatever can be realized from legacies, either in money or property, contained in the last will and testament of said children's grand father, William Whaly, deceased, in a suitable tract of land for the purpose of enabling the father of said children to raise and educate them, the title to the same to be made to said children.

SEC. 4. *Be it further enacted*, That the said commissioner is hereby authorized and empowered to collect forthwith, all estate that may belong to said children on account of the devise aforesaid, and appropriate the same to the purpose above specified, whether the same be in the hands of a guardian of said children, the executors of said will or other person, and due said children.

SEC. 5. *Be it further enacted*, That the said Charles W. Summers shall enjoy said tract of land in every respect, and liable to the same account of profits as he might or could have done had said land descended to said children direct from said grand father, and on no other terms whatever, the county court having the same power to compel him to account for profits, and

to allow him credits for improvements, repairs, and compensation for raising and educating said children, as in case of guardians is now provided by law.

[Approved February 28, 1835.]

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CHAP. 903.—AN ACT to increase the powers of the Trustees of the Town of Williamstown, in the County of Grant, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That from and after the passage of this act, all fines and forfeitures accruing within the bounds of said town, for routs, riots and breaches of the peace, be, and the same are hereby appropriated for the use and benefit of said town; and all officers are hereby directed to pay over to the treasurer of said town, within ten days after collection, all moneys by them received, arising from fines for riots, routs or breaches of the peace, and in failure of so doing, they may be proceeded against in the same manner as now prescribed by law.

Fines and forfeitures accruing in said town appropriated for use and benefit thereof.

Officers failing to pay over the same may be proceeded against.

SEC. 2. *Be it further enacted,* That in all cases of routs, riots or breaches of the peace within said town, it may be lawful for the jury trying the same to inflict any fine, not exceeding fifty dollars, or twenty-four hours' imprisonment for every two dollars of said fine, and which shall be recovered in the same manner as such fines are now collected by law, and in case the person or persons fined under the provisions of this act, do not pay the same at the rendering of the verdict, the magistrate, before whom the judgment is obtained, shall issue a *capias pro fine*, as now provided for by law, and it shall be the duty of the officer serving the same, to proceed immediately to take the body or bodies of the person or persons against whom the judgment has been rendered into custody, and lodge the same in the jail of the county, there to remain until the fine is paid, agreeable to the verdict of the jury: *Provided, however,* That nothing herein shall prevent the party or parties from replevying the debt for three months, payable to the trustees of Williamstown, with good and sufficient security.

Jury may assess a fine of fifty dollars for breaches of the peace, &c.

Upon a failure to pay, may be imprisoned until payment.

SEC. 3. *Be it further enacted,* That in all cases where fines may hereafter be recovered under the by-laws or ordinances of said town, the justice of the peace, before whom the same may be recovered, may

When fines are assessed under by-laws of the town, the justice may is-

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sue a *capias pro fine*.

Marshal of the town vested with all the powers of constable.

To serve notices.

Entitled to fees.

Upon failure to pay over money, liable to a motion.

President of board to have powers of justices, within the limits of town.

May issue process directed to the marshal.

May issue *capias pro fine*, but shall not charge fees.

issue the *capias pro fine*, for the collection and coercion of the same, and be governed by the general laws now in force in relation to the *capias pro fine*.

SEC. 4. *Be it further enacted*, That the marshal of said town, after being duly sworn, and having entered into good and sufficient bond, for the faithful discharge of his duties, shall be empowered to act in all things relative to the town laws, as constables are now authorized by law; he shall have the same power as constables to serve notices, warrants, executions, and to sell property, while acting under the authority of the town laws, or in cases of routs, riots and breaches of the peace; and he shall serve all notices issuing from the president of the board of trustees, and he shall act in all things within the limits of said town, and under authority of its laws, as constables now act, and in all cases shall be entitled to charge the same fees, and in case of failure, to pay over moneys when collected by him, or for neglect of duty, he shall be subject to a motion against himself and securities, in the same manner as motions are brought against constables; and the marshal shall be authorized to take replevin bonds with security, payable to the board of trustees, for all penalties placed in his possession for collection, which shall run for three months, as in case of debt; and the trustees may allow the marshal or other officers such compensation for their services, in addition to the fees of office as they may deem necessary.

SEC. 5. *Be it further enacted*, That the president of the board of trustees for the town of Williamstown, shall have concurrent jurisdiction within the town bounds, for the fiscal, prudential and municipal concerns, with the justices of the peace for Grant county, in all cases, and he shall have power to issue process in the name of the commonwealth, for the use of the trustees of Williamstown, directed to the marshal of said town, or constable without said bounds, who shall regard and obey such process, as if issued by a justice of the peace, and shall return the same, when executed, to said president of the board of trustees, who is hereby authorized to try all cases within said bounds, hear testimony on oath, and render judgment thereon, and shall have the same power to issue *capias pro fine*, or other executions, as justices of the peace are authorized in similar cases to do, but shall charge no fees thereon: *Provided, however*, That nothing herein con-

tained shall authorize the president of the board of trustees to issue process, or sit in judgment in cases of rout, riot or breaches of the peace.

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SEC. 6. *Be it further enacted*, That after the passage of this act, the board of trustees of the town of Williamstown shall have the sole power and authority to grant licenses to keep taverns or houses of public entertainment, at which it is proposed to retail liquors of any kind in said town; and said trustees shall not grant any license aforesaid, until all the requisitions of the general law on the subject be complied with, nor unless the person to whom the same may be granted, shall produce the receipt of the clerk of the Grant county court, for the amount of money at which such license is fixed by law, and which money, when paid to said clerk, shall be accounted for by him, and paid into the treasury of the commonwealth, in the same manner in which he is required by law to account for and pay other taxes collected by him; and said trustees shall have power to require, from the person to whom the license is granted, a sum not exceeding one half which is paid to the state, which sum shall be for the use of said town; and the clerk of the board of trustees shall be entitled to one dollar as his fee on granting said license; and the trustees aforesaid shall have power and authority to suspend the license of any person who may keep a disorderly house, and declare the same void, and the money paid forfeited, and may direct their prosecuting attorney to proceed, by indictment or presentment, in the Grant circuit court, against such person for keeping a tipling house, or for permitting unlawful gaming in his or her house, as if this act had not passed; and from and after the first day of March next, the county court of Grant shall not have power to grant license to any person to keep a tavern within the boundaries of said town of Williamstown.

Board may grant license to tavern keepers upon production of receipt of clerk.

Trustees to receive additional fee from tavern keepers.

Compensation to clerk of the board.

Trustees may suspend license for keeping disorderly house.

And liable to a presentment.

County court not to grant license.

SEC. 7. *Be it further enacted*, That all moneys collected by said trustees, or their officers, shall be applied to the use and benefit of said town of Williamstown, and for the improvement and adornment of the same, after paying necessary expenses; and all justices of the peace, constables and other officers, who may refuse to carry the provisions of this act, or any of the town ordinances into effect, shall be subject to a presentment by the grand jury for Grant county, and liable to

All moneys collected by trustees or officers, shall be for use of the town.

Justices and constables subject to presentment for failing to carry into effect the provisions of this act

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such fine as the judge of the Grant circuit court may think proper to inflict.

Qualifications
of trustees and
voters.

SEC. 8. *Be it further enacted,* That no person shall be entitled to vote for trustee in said town, without he shall be twenty-one years of age, and resided in the state one year, and in the town six months previous to the election, and shall be a citizen of the United States; and no person shall be eligible to the office of trustee, without he shall have been an actual resident of said town one year previous to the election, shall be twenty-one years of age, and a citizen of the United States; and at all elections for trustees, two judges shall be appointed by the board for that purpose, who, before opening the polls, shall be sworn to act fairly and impartially in the discharge of their duty; and in cases of disagreement as to the legality of a voter, the marshal, who shall be present and keep order, shall decide, and the clerk of the board shall keep the poll book, and notify each person of his election; and the trustees, at the first meeting after their election, shall allow the judges, marshal and clerk, a reasonable compensation for their services.

Manner of con-
ducting the e-
lections of trus-
tees.

President shall
take an oath.

SEC. 9. *Be it further enacted,* That the president of the board of trustees, before acting under the additional powers granted in this act, shall take an oath, before some justice of the peace for Grant county, truly and faithfully to perform all the duties required of him by this act and other acts of assembly, and by the ordinances and by-laws of said town, and a certificate of said oath shall be deposited with the clerk of the board of trustees.

Marshal may
appoint a dep-
uty.

SEC. 10. *Be it further enacted,* That it may be lawful, in cases of danger and necessity, for the marshal to appoint one or more deputies to aid him in the performance of his duties, who shall be sworn faithfully to act as such, and the marshal shall be held bound for all their acts while acting as deputies: *Provided, however,* That no person shall act as deputy marshal without he shall first have been approved by the president of the board of trustees, or in case of his absence, by a majority of the board.

And shall be
approved of by
the president or
the board.

Trustees may
appoint a sur-
veyor.

SEC. 11. *Be it further enacted,* That the trustees of said town shall have power to employ a competent surveyor, and direct him to run off, and make a plat of that portion of the town which was added thereto by act of assembly, approved 16th January, 1829, and said plat, when made out, shall be recorded in the office

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of the clerk of the Grant county court, and shall then be taken as authority in establishing the bounds of lots, and the location of streets and alleys, and the trustees shall have power to open all such streets and alleys, or to inflict fines against any person who may close a street or alley, and refuse to open the same.

SEC. 12. *Be it further enacted*, That in case of sudden routs, riots, affrays, breaches of the peace, and other outrageous violations of the law within said town, it may be lawful for the constables, sheriff or town marshal, to apprehend the person engaged therein, with or without a warrant to that effect, and lodge him or them in the county jail for safe keeping, and it shall be the duty of the jailer to take charge of the offender or offenders, and keep him or them in close custody, until the officer, delivering him in charge, shall demand him or them: *Provided, however*, The person or persons in custody shall not be detained there longer than sufficient time necessary to bring him or them to a proper trial, for his or their offences: *And provided also*, That he or they shall not be intoxicated at the time of trial, otherwise to remain in jail until the effects of the liquor shall have gone off.

Person engaged in riots, &c. may be apprehended without warrant and lodged in jail.

SEC. 13. *Be it further enacted*, That all acts and parts of acts, coming in purview of this act, shall be, and the same are hereby repealed.

[Approved February 28, 1835.]

CHAP. 904.—AN ACT to establish the December Chancery Term of the Pendleton Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That there shall be held, in the county of Pendleton, a special chancery term, for the trial of chancery causes, to commence on the second Monday in December in each and every year, and may sit six juridical days, if necessary.

[Approved February 28, 1835.]

CHAP. 905.—AN ACT for the Appropriation of Money.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the following sums of money be paid out of the treasury, not otherwise appropriated:

Allowances made to speakers of Senate and H. R.

To the Speakers of the Senate and House of Representatives, four dollars per day each.

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Sergeants at
arms.

To the Clerks of the House of Representatives and Senate, sixty dollars per week each.

To the Sergeant at Arms of the Senate and House of Representatives, twenty-eight dollars per week each.

Doorkeepers.

To the Doorkeepers of the Senate and House of Representatives, twenty-eight dollars per week each.

T. J. Helm.

Ben. R. Pollard

To Thomas J. Helm, Assistant Clerk of the House of Representatives, and Benjamin R. Pollard, Assistant Clerk of the Senate, thirty dollars per week each,

Wm. B. Holeman.

To William B. Holeman, for furnishing water, making fires, &c. for House of Representatives, during the present session, six dollars per week.

L. Batchelor.

To Littleberry Batchelor, for like services for Senate, six dollars per week.

Clerks of S. &
H. R.

To the Clerks of the Senate and House of Representatives, forty dollars each, for four days' services after the session, in preparing the acts for publication, and arranging books and papers.

Librarian.

To the Public Librarian, two hundred and fifty dollars, for the year 1835, to be paid quarterly.

Editor of Commonwealth.

To the Editor of the Commonwealth, for furnishing his paper twice a week to House of Representatives and Senate, fifty dollars.

Editor of Argus

To the Editor of the Argus, for furnishing paper once per week, thirty dollars.

Com'rs. of Lunatic Asylum.

To the Commissioners of the Lunatic Asylum, for supporting the lunatics in said institution during the ensuing year, five thousand dollars.

John Woods.

To John Woods, as per bill rendered, No. 1, thirty-five dollars.

Keenon and Julian.

To A. C. Keenon and C. H. Julian, three hundred dollars each, for binding two thousand copies of the Acts of the present General Assembly; also, sixty-two dollars and fifty cents each, for binding two hundred and fifty copies of the Journals of each House, one half of which sum shall be paid in advance, and the balance, upon their producing, to the auditor of public accounts, a certificate from the secretary of state, showing the delivery into his office of the number of copies hereby authorized to be bound: *Provided, however,* If the full number of copies authorized to be bound shall not be so delivered, a deduction, at the rate of thirty-three and one-third cents for each copy of the Acts, and fifty cents for each copy of the Journal, as shall not be made.

To John S. Major, for eighteen days service as a

commissioner under an act of the General Assembly of the Commonwealth, approved December 11, 1822, to view and report upon a state road from Frankfort to Bowlinggreen, at \$1 50 per day, as per act of Assembly, No. 3, twenty-seven dollars.

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J. S. Major.

To Joseph Taylor and Son, as per bill rendered, No. 4, fifty-two dollars, fifty-three cents.

J. Taylor and Son.

To A. C. Keenon, as per bill rendered, No. 5, forty-five dollars, seventy-five cents.

A. C. Keenon.

To James R. Ware, as per bill rendered, No. 7, thirty-six dollars.

Jas. R. Ware.

To B. Edrington, as per bill rendered, No. 8, twenty-six dollars and fifty cents.

B. Edrington.

To William T. Willis, Stilwell Heady, Richard Southgate, John Trimble, Benjamin Burks, William Sterett, Sherrod Williams, appointed, by order of the Senate and House of Representatives, a committee to examine the situation of Transylvania, and the Lunatic Asylum, ten dollars each for performing said service.

Joint committee to visit Lunatic Asylum &c.

To Robert S. Todd, Clerk of the House of Representatives, for making an alphabet to the Journal of the proceedings of the House of Representatives for the years 1833 and 1834, one hundred and fifty dollars.

R. S. Todd.

To Robert S. Todd, for making an index to the Journal of the House of Representatives, for the years 1834 and 1835, one hundred dollars, to be paid when he shall satisfy the auditor of public accounts that the work has been completed.

To Jephtha Dudley, as per bill rendered, No. 9, twenty-two dollars and fifty-seven cents.

Jephtha Dudley

To Charles H. Julian, as per account rendered, No. 10, fifty-one dollars, seventy-five cents.

C. H. Julian.

To Richard Miles, as per bill rendered, fifty-four dollars, No. 12.

Richard Miles.

To George A. Robertson, Public Librarian, as per account, No. 13, seven dollars, twenty-five cents.

G. A. Robertson.

To J. W. Dillenger, as per account rendered, one hundred and eight dollars, No. 14.

J. W. Dillenger.

To Hawkins Wickersham, as per account rendered, No. 15, fifteen dollars.

Wickersham.

To Ambrose Hampton, as per bill rendered, No. 16, fifty-one dollars.

A. Hampton.

To Ambrose George, as per bill rendered, No. 17, the sum of eighteen dollars.

A. George.

To A. G. Hodges, as per bill rendered and vouchers filed, the sum of two thousand, six hundred and thirty-six dollars, ninety-seven cents.

A. G. Hodges.

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Be it further enacted, That the sum of fifteen hundred dollars in advance, be allowed A. G. Hodges, as Public Printer, for the year 1835.

Be it further enacted, That the auditor of public accounts shall be, and he is hereby authorized and directed to settle with A. G. Hodges, Public Printer, for the residue of his accounts for public printing by him done, and not included in his accounts rendered, and issue his warrant on the treasurer in favor of said Hodges, for such sum as may be due him.

R. A. Bohannon. To Richard A. Bohannon, as per bill rendered, No. 19, thirteen dollars, twenty-five cents.

M. Franklin. To Massa Franklin, as per bill rendered, No. 20, one hundred and fourteen dollars, forty-four cents.

H. H. Mayhall. To Harrison H. Mayhall, as per bill rendered, No. 21, six dollars and fifty cents.

Owner of steam saw mill. To owner of Steam Saw Mill, as per bill rendered, forty-nine dollars, thirty-eight cents, No. 1, of accounts handed in by J. Davidson.

J. Vest. To John Vest, as per bill rendered, No. 2, sixteen dollars, seventy cents.

Rogers and Thompson. To Rogers and Thompson, as per bill rendered, No. 3, twenty-three dollars, sixty-nine cents.

J. J. Vest. To John J. Vest, as per bill rendered, No. 4, two hundred and forty dollars, ninety-two cents.

H. Blanton. To Harrison Blanton, as per bill rendered, No. 5, two hundred and eighty-one dollars, thirty-six cents.

H. Wingate. To H. Wingate, as per bill, No. 6, seventy-five dollars.

H. J. and H. P. Anderson. To H. J. & O. H. P. Anderson, as per bill rendered, No. 7, sixty-eight dollars, forty-six cents.

T. McGrain. To T. McGrain, as per bill rendered, No. 8, one hundred and forty-one dollars, thirty-eight cents.

To same, as per bill rendered, No. 9, twenty-five dollars, fifteen cents.

C. Hutcheson. To Charles Hutcheson, as per bill rendered, No. 10, ninety-six dollars, seventy-five cents.

To same, as per bill rendered, No. 11, one hundred and forty dollars.

H. Mordecai. To Harry Mordecai, as per bill rendered, No. 12, twenty-nine dollars.

W. S. Johnson. To William S. Johnson, as per bill rendered, No. 13, eight dollars, sixty-nine cents.

J. Davidson. To James Davidson, as per bill rendered, No. 14, thirty-four dollars and fifty cents.

J. U. Price. To John U. Price, as per bill rendered, No. 22, one hundred and twenty dollars.

- To Charles H. Julian, as per bill rendered, No. 23, 1835
fifty-six dollars.
- To William B. Holeman, for one brass clock, for the use of Representative Hall, forty dollars. Wm. B. Holeman.
- To James Davidson, Thomas S. Page and E. H. Taylor, as per bill rendered, No. 24, twenty dollars each. Davidson and Page.
- To J. Clarke, as per bill rendered, No. 25, sixteen dollars. J. Clarke.
- To the Commissioners of the Cumberland Hospital, one thousand dollars, for the use of said Hospital. Cumberland Hospital.
- To Lucas Broadhead, as per account rendered, twenty dollars and twenty-five cents. L. Broadhead.
- To John C. Herndon, as per bill rendered, one hundred and thirty dollars. J. C. Herndon.
- To Joseph Gray, as per bill rendered, seventy-one cents. Jos. Gray.
- To Robertson & Sanders, as per bill rendered against House of Representatives and Senate, two hundred and eighty-one dollars and ninety-three and a half cents. Robertson and Sanders.
- To John and Berry, fifteen dollars each. John & Berry.
- Be it further enacted*, That the sum of fifteen hundred dollars be allowed to the commissioners of the Lunatic Asylum of the city of Lexington, for the purpose of purchasing a lot of ground belonging to the estate of James Harper, deceased, containing about ten acres, to be conveyed to the said commissioners, for the benefit of said Asylum, and for the further purpose of enclosing the property of said Asylum, and for insuring the property. Lunatic Asylum.
- To Blain and Bacon, two hundred and twenty-two dollars and ninety-nine cents, being the amount of their account for materials for window curtains for the Senate Chamber. Blain and Bacon.
- To John Mayhall, Deputy Sergeant of the Senate, twenty-five dollars, for summoning witnesses from the counties of Clarke and Fayette, by order of the committee of Internal Improvements of the Senate. J. Mayhall.
- To A. G. Branham, Deputy Sergeant of the Senate, twenty dollars for summoning witnesses by order of the same committee. A. G. Branham.
- To Blain and Bacon, for candlesticks furnished the Senate Chamber, nine dollars. Blain and Bacon.
- To John M. Foster, Register of the Land Office, the sum of three hundred dollars, for Clerk hire. J. M. Foster.

1835 To Benjamin Selby, Auditor of Public Accounts, three hundred dollars, for Clerk hire.

S. B. Crockett. To Samuel B. Crockett, for carrying a writ of election to Fleming county for Senator, in the place of William P. Fleming, deceased, twelve dollars.

R. K. Stout. To Richard K. Stout, the sum of eighty-two dollars, for painting and glazing the Government house.

J. Stonestreet. To James Stonestreet, in addition for making an index to the journal of the Senate for the last session, and for making an index to the journal of the Senate for the present session, made by order of the Senate, one hundred and fifty dollars.

A. R. Lindsay To Andrew R. Lindsay, per account, ten dollars.

John Woods. To John Woods, per account, twenty dollars, for firing a Federal Salute on the 8th of January, by order of the Senate.

S. M. Noel. To Silas M. Noel, for the use and benefit of the Baptist Church in Frankfort, ten dollars for the use of their bell during the present session.

T. S. Page. To Thomas S. Page for his services as Clerk, in assisting the committee to examine the Auditor's Office, and the committee to examine the Penitentiary and settle with Joel Scott, late keeper, ten dollars.

[Approved February 28, 1835.]

CHAP. 906.—AN ACT for the benefit of David Carrier and Jacob Carrier.

Recital.

Whereas, it is represented to the General Assembly, that the deputy of Fielding Jones, dec'd., late surveyor for the county of Union, in locating a Kentucky land office warrant, No. 21,653, for one hundred acres, for David Carrier, and also in locating adjoining, another warrant, No. 21,651, for one hundred acres, for Jacob Carrier, has made an error in his plat and certificate of survey as follows: the second line of David Carrier's survey, from the stooping black oak and three small black gums, on a ridge running north 18, east 127 poles, should call to run the reversed course, to-wit, south 18, west 127 poles, and the closing line running south 18, west 127 poles, should call to run the reversed course, to-wit, north 18, east 127 poles; and the first line of Jacob Carrier, from the stooping black oak north 18, east 127 poles, should call to run from the north-west corner of David Carrier south 18, west 127 poles, and the third line of Jacob Carrier's

survey calling to 'run south 18, west 127 poles, should call for the reversed course, to-wit, north 18, east 127 poles: wherefore, 1835

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the survey made on warrant, No. 21,653, for one hundred acres, in favor of David Carrier, and the patent which issued thereon shall be corrected in the second line from the stooping black oak and three small black gums, on a ridge running south 18, west 127 poles, and the closing line, north 18, east 127 poles; and that the survey made on warrant, No. 21,651, for one hundred acres, in favor of Jacob Carrier, and the patent which issued thereon, shall be corrected in the first line to call to run from the stooping black oak to the north-west corner of David Carrier south 18, west 127 poles, and the third line of Jacob Carrier's survey to run north 18, east 127 poles; the notes, warrants and patents shall be as effectual, as hereby corrected, as if they had been originally so made: *Provided however,* That nothing in this act contained shall be so construed as to impair or affect any other right to land derived from this commonwealth and originated by entry, survey or patent since the date of the patents aforesaid, or of the surveys on which they are respectively founded.

Course of a line in a patent corrected.

Previo.

[Approved February 20, 1835.]

RESOLUTIONS.

A RESOLUTION to appoint Joint Committees to examine the Offices of the Auditor, Treasurer and Register.

Resolved by the General Assembly of the Commonwealth of Kentucky, That committees, consisting of three from the senate and six from the house of representatives, be appointed respectively to examine the offices of the auditor, treasurer and register.

[Approved January 7, 1835.]

RESOLUTIONS.

A RESOLUTION fixing on a day for the election of a Senator in Congress.

Resolved by the General Assembly of the Commonwealth of Kentucky, That they will, on the 9th instant, proceed, by joint ballot of both houses, to elect a senator to represent this state in the senate of the United States for six years, from and after the 4th day of March next.

[Approved January 9, 1835.]

A RESOLUTION in relation to the Stock held by Individuals in the Louisville and Portland Canal.

Resolved by the Senate and House of Representatives of the Commonwealth of Kentucky, That the senators and representatives in the congress of the United States, from this state, be requested to use their best exertions to procure the passage of a law authorizing the purchase of the stock held by individuals in the Louisville and Portland Canal Company, by the United States, and making said canal a free highway for the trade of the Ohio river.

Resolved, That the acting governor be requested to send a copy of the above resolution to each of our senators and representatives in the congress of the United States.

[Approved January 12, 1835.]

A RESOLUTION authorizing the Committee appointed to examine the Auditor's Office to employ a Clerk.

Resolved by the Senate and House of Representatives of the Commonwealth of Kentucky, That the joint committee of the senate and house of representatives, appointed to examine the auditor's office, be authorized to employ a clerk to assist them in said examination.

[Approved January 20, 1835.]

A RESOLUTION to appoint a Joint Committee to examine the Lunatic Asylum and Transylvania University.

Resolved by the Senate and House of Representatives of the Commonwealth of Kentucky, That a joint committee of three from the senate and six from the house of representatives, be appointed to examine and report to both houses of the legislature, the condition of the Lunatic Asylum and the Transylvania University at Lexington, with such recommendation of legislative action in relation to those institutions, as they shall deem proper.

[Approved January 24, 1835.]

A RESOLUTION to appoint a Joint Committee to settle with Joel Scott, late Keeper of the Penitentiary.

Resolved by the Senate and House of Representatives, That a committee of three from the Senate and six from the house of representatives, be appointed to settle with Joel Scott, late keeper of the penitentiary.

[Approved January 24, 1835.]

A RESOLUTION in relation to an Armory.

Resolved by the Senate and House of Representatives of the Commonwealth of Kentucky, That our senators in congress be instructed, and our representatives be requested to use their exertions to procure an armory, to be erected by the general government, at some suitable point in Kentucky.

Resolved further, That the governor of this state be requested to furnish copies of this resolution to each of our senators and representatives in congress.

[Approved January 29, 1835.]

A RESOLUTION in relation to the establishment of a Military School in Kentucky.

Resolved by the General Assembly of the Commonwealth of Kentucky, That our senators be instructed, and our representatives in congress be requested to use their best exertions for the purpose of getting a military school established in the state of Kentucky.

Be it further resolved, That the lieutenant and acting governor be requested to furnish copies of these resolutions to each of our senators and representatives in the congress of the United States.

[Approved January 29, 1835.]

A RESOLUTION requesting the Acting Governor to engage Counsel, on the part of the Commonwealth, in the trial of John U. Waring.

Resolved by the Senate and House of Representatives of the Commonwealth of the Kentucky, That his excellency, the acting governor, be requested to engage the services of counsel, on the part of this commonwealth, in the trial of John U. Waring before the examining court.

[Approved February 11, 1835.]

A RESOLUTION to furnish Mann Butler with certain Documents.

Whereas, it is represented to the General Assembly of the Commonwealth of Kentucky, that Mann Butler, Esq. is now engaged in adding to his history of Kentucky, and wishes the use of some of the state papers,

Be it resolved by the Senate and House of Representatives, That the secretary of state be, and he is hereby required to furnish the said Mann Butler with the whole or any part of said documents, upon the said Butler's executing his bond in the penalty of one thousand dollars, payable to the commonwealth of Kentucky, conditioned to return the said documents to the office of the secretary of state, within twelve months from the date of said bond.

[Approved February 14, 1835.]

A RESOLUTION requesting the Legislature of Ohio to pass a law in relation to fugitive slaves from this state.

To the General Assembly of the State of Ohio:

The memorial of the General Assembly of the Commonwealth of Kentucky, respectfully represents:

That the citizens of this state sustain great loss by reason of their slaves fleeing to and finding refuge in the states north of the Ohio river. Our state, having a border of four hundred miles adjoining states that do not hold slaves, with only a river as the boundary line, renders the escape easy; and the great extent of territory in which they can secrete themselves, makes the recaption extremely difficult. That it is very difficult, indeed almost impracticable, for the owners of slaves, that thus leave the service of their masters, to avail themselves of the provisions of the "act of Congress respecting fugitives from justice and persons escaping from the service of their masters." This difficulty arises from various causes—one amongst which may be stated as most conspicuous, is the *prejudice* existing in the minds of many against slavery in the abstract, and the obstacles which such persons feel justified in opposing to the owners or their agents in arresting their slaves and from carrying such slaves before the proper officer, to prove the ownership and obtain a warrant of removal of such slave to the state where he or she owes service. There are also those who will not oppose personal violence to such arrestation, that avail themselves of the provisions of the penal laws against the offence of kidnapping, and before the owner can arrive at the office of a justice of the peace with his arrested slave, he is met by an officer with a warrant to arrest such owner or agent for "forcibly attempting to carry out of the state a free person of color." The master thus finds himself a prisoner and his servant set free—thereby losing his property and his remedy under the aforesaid law of Congress, for damages against

those who prevent, *by force*, the owner of slaves from seizing their property.

This memorial further represents, that the despatch and secrecy with which the owners of such fugitives are compelled to seek them, renders it, in most cases, impracticable to have proof immediately at hand to prove the ownership of the property, and thereby subjects such owner, arresting his fugitive slave, to the suspicions of the better classes of society that he is a kidnapper, and to the personal violence of the reckless: there being no law authorizing the justice of the peace to commit the person, so arrested, a reasonable time for the production of proof by such claimant.

To remedy which evils; to afford greater facilities to the owners of slaves to recover their property, and at the same time to guard the personal liberty of all who are free, from illegal seizure or removal, your memorialists respectfully suggest the expediency of your honorable body enacting a law, authorizing any justice of the peace, in the state of Ohio, upon application made and affidavit filed by any owner, or the agent of such owner, of any slave, that such slave has escaped from the master and is believed to be within the state of Ohio, to issue a warrant, directed to any sheriff or constable, authorizing such officer to arrest said fugitive from service, wheresoever he or she may be found, and to carry him or her before some justice of the peace or judge of the court of common pleas of the county where arrested, to be dealt with according to law; and that said warrant shall be sufficient authority for such officer to arrest the person therein named; and to call upon such aid as may be necessary to execute the said writ; and that all persons resisting such officer, in the execution of, or attempting to execute such writ, shall be liable to such penalties as are provided by law against persons resisting officers whilst executing process in civil cases. And that upon the return of such process, with the person named therein, the justice or judge, before whom said writ is returned, shall have power to give such reasonable time, not exceeding sixty days, as may be necessary for the claimant of such slave to produce proof of his right to the service of the person arrested; and in like manner, may give time for the defendant to produce proof of his right to liberty; and in either case, the person arrested shall be committed to the jail of the county, there to be kept until the time set by the justice or judge for final hearing. And if, on hearing, the justice or judge shall decide that the person, so arrested, owes service in another state, according to the laws of such state, he shall deliver to the owner or agent a certificate of the same, with authority to remove such slave to the state where such slave owes service. And that such penalties may be imposed by the act as may be sufficient to deter evil disposed persons from attempting to rescue any slave thus ordered to be removed.

Your memorialists further suggest, that a law, embracing most of the provisions above asked for, has been enacted by the state of Indiana—has operated beneficially to the owners of fugitive slaves, without in the least endangering the rights or liberties of free persons of color. And your memorialists believe such a law in Ohio would promote further that good feeling and comity which have heretofore existed between the two states, and indeed promote the interests of each.

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Governor of this state be, and he is requested to forward a copy of the foregoing memorial to the Governor of the state of Ohio, with a request that he lay the same before the General Assembly of that state.

[Approved February 16, 1835.]

A RESOLUTION fixing on a day for the election of Public Officers.

Resolved by the General Assembly of the Commonwealth of Kentucky, That they will, by joint vote of both houses, on the 16th day of this inst., February, 1835, proceed to the election of a Treasurer, Public Printer, Librarian, a President and Directors of the Bank of Kentucky and a President and Directors of the Bank of the Commonwealth of Kentucky.

[Approved February 20, 1835.]

A RESOLUTION directing a tombstone to be placed over the grave of John Breathitt, late Governor of Kentucky.

Resolved by the Senate and House of Representatives, That a tombstone be erected to the memory of John Breathitt, late Governor of Kentucky, with a suitable inscription thereon, and that the same be furnished by the keeper of the penitentiary; and that the Lieutenant and acting Governor of this Commonwealth cause the same to be placed over the grave of the said John Breathitt, deceased.

[Approved February 21, 1835.]

A RESOLUTION providing for the examination of the Auditor's Office.

Resolved by the General Assembly of the Commonwealth of Kentucky, That the lieutenant and acting governor, be, and he is hereby authorized to appoint three fit persons to make a thorough examination of the books, vouchers and accounts of the auditor's office, from the time of the last examination up to the tenth day of October next, and make report to the next general assembly.

[Approved February 23, 1835.]

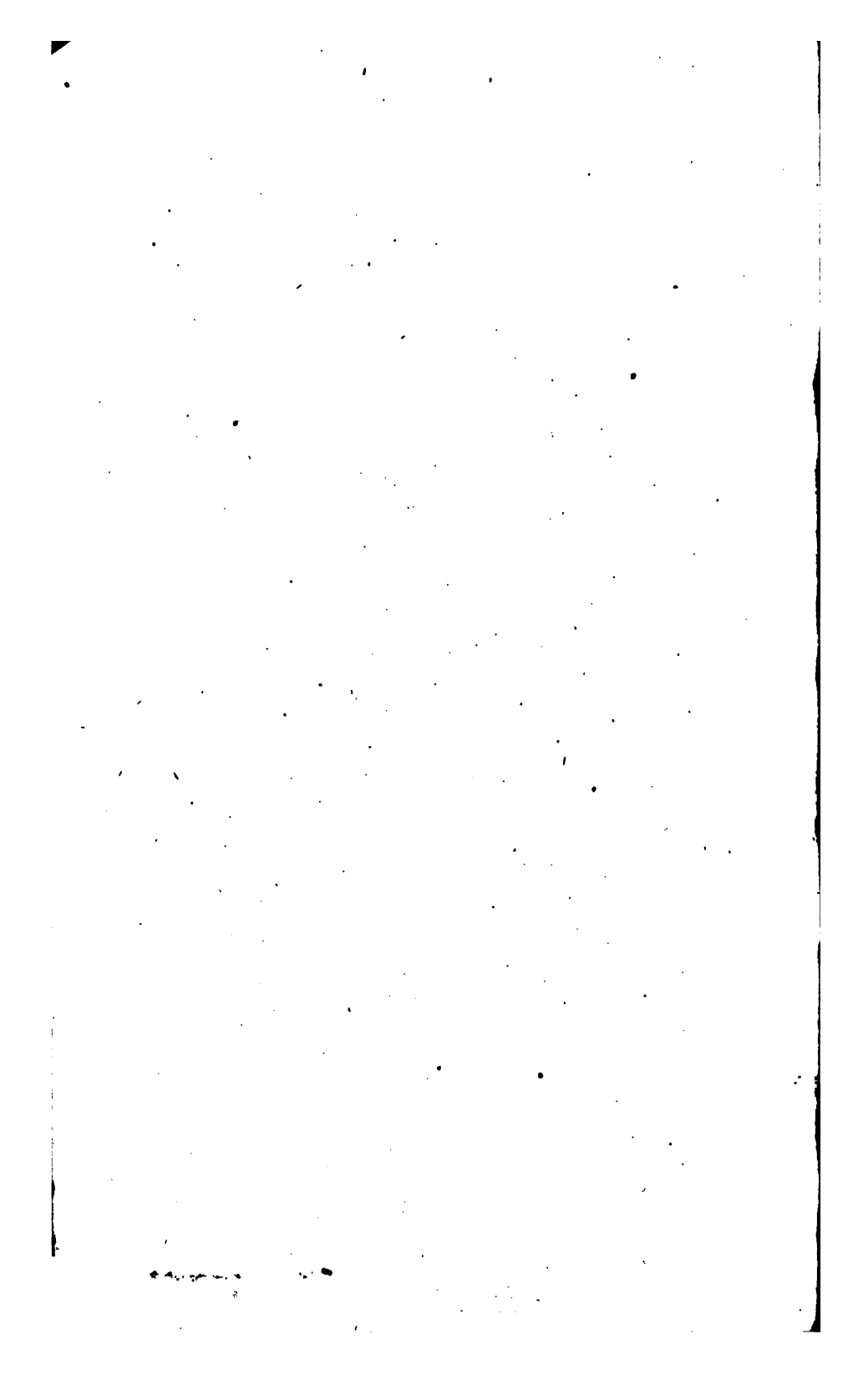
A RESOLUTION authorizing an examination of the Public Works on Green River

Resolved by the General Assembly of the Commonwealth of Kentucky, That the governor be authorized and requested to invite three senators and six representatives to visit locks Nos. 1 and 2, now in progress on Green river, at some suitable period before the sitting of the next legislature, and examine and report the progress and character of the work, with their opinions as to the general improvement of said river by slack water navigation and its usefulness and importance to that section of the state.

[Approved February 28, 1835.]

A RESOLUTION fixing on a day for an adjournment of the General Assembly.

Resolved by the General Assembly of the Commonwealth of Kentucky, That when they adjourn on the 28th day of February, they will adjourn without day.



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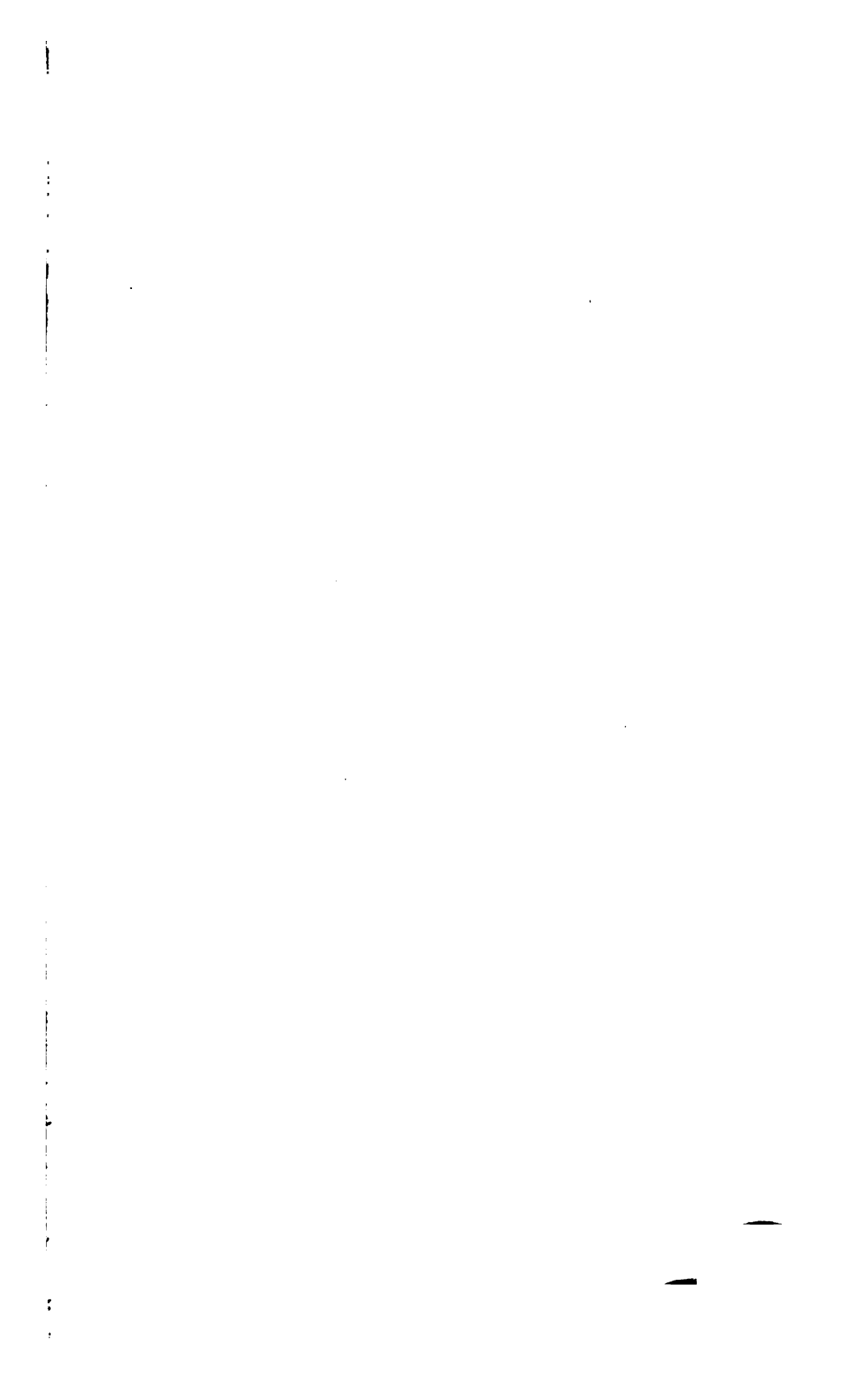
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